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MANUAL  
EXPLANATORY  
OF THE  
PRIVILEGES, RIGHTS, AND BENEFITS  
PROVIDED FOR  
ALL PERSONS WHO ARE, OR HAVE BEEN,  
MEMBERS OF THE ARMED FORCES OF  
THE UNITED STATES AND OF THOSE  
DEPENDENT UPON THEM







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# **MANUAL**

**Explanatory of the Privileges, Rights, and Benefits Provided for All Persons Who Are, or Have Been, Members of the Armed Forces of the United States and of Those Dependent Upon Them**

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## **PART I**

### **FUNCTIONS AND LOCATION OF THE VETERANS' ADMINISTRATION AND ITS FIELD STATIONS**

The Veterans' Administration, under the Administrator of Veterans' Affairs, maintains a central office located in the Veterans' Administration Building, Washington, D. C., and over 100 field stations located in the various States and three insular offices in Hawaii, Philippine Islands, and Puerto Rico. There are in addition two supply depots, one located at Hines, Ill., and the other at Perry Point, Md. In addition to the supervision of all the field stations the central office is solely responsible for the administration of the laws pertaining to Government life insurance and the adjudication of claims for benefits thereunder, except in litigated cases; including all matters pertaining to private insurance policy protection under Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; the issuance of adjusted-service (bonus) certificates and the adjudication of claims in reference to adjusted compensation; the adjudication of disability and death pension claims based upon service prior to July 16, 1903, and all death claims based upon service in the military or naval forces on or after October 8, 1940, including World War II, only until completion of adjudication of all initial claims for death benefits, including insurance; adjudication of all emergency officers' retirement benefits including payment of Reserve Officers' disability retirement pay; and the adjudication of claims of veterans and their dependents who reside in foreign countries. Central office is also responsible for the final consideration and disposition of appeals to the Administrator of Veterans' Affairs. These appeals involve pension, compensation, emergency officers' retirement benefits, Government insurance, adjusted compensation, death benefits of all kinds, incompetency and mixed appeals, such as forfeiture of rights, recoveries, relationship, and so forth.

#### **VETERANS' ADMINISTRATION AN ESSENTIAL WAR AGENCY**

Under the Servicemen's Readjustment Act of 1944, the Veterans' Administration is declared to be an essential war agency and entitled second only to the War and Navy Departments, to priorities in personnel, equipment, supplies, and material under any laws, Executive

orders, and regulations pertaining to priorities. In appointments of personnel from civil-service registers, the Veterans' Administration is granted the same authority and discretion as the War and Navy Departments and the Public Health Service.

The same provisions as to priorities for materials are made applicable to any State institution to be built for the care or hospitalization of veterans.

The Administrator is authorized to establish necessary regional offices, suboffices, branch offices, contact units, or other subordinate offices in centers of population where there is no Veterans' Administration facility or where such a facility is not readily available or accessible.

Subject to agreements between the Secretary of War or the Secretary of the Navy and the Administrator of Veterans' Affairs, commissioned, appointed, or enlisted personnel may be transferred or detailed from the armed forces to the Veterans' Administration, but no such detail may be made or extend beyond 6 months after termination of the present war. (Secs. 100, 101, 102, Public Law 346, 78th Cong., approved June 22, 1944.)

#### THE FIELD ORGANIZATION OF THE VETERANS' ADMINISTRATION

Field stations are in charge of managers who are directly responsible to the Administrator of Veterans' Affairs. These stations are located throughout the United States and are classified as follows: Veterans' Administration regional offices, Veterans' Administration Area Offices, Veterans' Administration facilities having regional office functions in addition to hospital and/or domiciliary activities, Veterans' Administration facilities having only hospital and/or domiciliary activities.

##### VETERANS' ADMINISTRATION REGIONAL OFFICES

The Veterans' Administration has 10 regional offices and 42 facilities having regional office activities. The principal functions of regional offices, as regards veterans residing within their respective areas, are generally:

1. Contacts with and assistance to claimants and beneficiaries or their representatives in relation to all benefits provided by law and administered by the Veterans' Administration.

2. Preparation and adjudication of all disability and death pension claims based upon service on or after July 16, 1903, except as to initial claims for death benefits, including insurance, based upon service on or after October 8, 1940; and for other benefits awardable by Veterans' Administration facilities or regional offices.

3. Legal activities, including the determination and certification as to legality of appointments of guardians or other fiduciaries of Veterans' Administration beneficiaries, including supervision over administration of estates of such beneficiaries in the hands of fiduciaries.

4. Making of medical examinations of claimants and beneficiaries for benefits.

5. Furnishing out-patient relief, medical or dental, necessary medicines, and orthopedic and prosthetic appliances and other supplies. The area assigned to each regional office and facility having the above functions is conditioned upon the service to be rendered and distribution of the veteran population.

Some field stations of the Veterans' Administration perform the functions of a regional office only and are known as regional offices. Others furnish medical treatment and hospital and/or domiciliary care in addition to performing the functions of a regional office, whereas others furnish medical treatment and hospital and/or domiciliary care only. These two latter groups are known as Veterans' Administration facilities.

#### TYPES OF ACTIVITIES IN EACH FIELD STATION OF THE VETERANS' ADMINISTRATION

The following list shows the location of hospital, domiciliary, and regional-office activities, including the area offices recently established at the Army Service Commands. The letters appearing after the name of the city and State of each field station indicate the type of activities at that station. Communications may be addressed to the "Manager, Veterans' Administration" at the location of the field station as given below.

R—Regional office  
GM—General medical.  
C—Diagnostic center.  
tb—Treatment of tuberculosis  
gm—General medical treatment  
np—Neuropsychiatric—Continuous treatment.  
H—Hospital.  
A—Area office and number

NP—Neuropsychiatric  
T—Tumor clinic  
D—Domiciliary (home).  
TB—Tuberculosis  
w—Women admitted  
co—Colored only  
c—Colored admitted  
ch—Colored admitted for hospital only

Address	Type of activities	Address	Type of activities
Albuquerque, N. Mex.	R, H, GM, tb.	Jefferson Barracks 24, Mo.	H, D, GM, tb, c.
Alexandria, La.	H, GM, tb, c.	Kansas City 6, Mo.	R, H, GM, c
Amarillo, Tex.	R, H, GM	Kecoughtan, Va.	R, H, GM, c
American Lake, Wash.	H, NP, c.	Knoxville, Iowa.	R
Aspinwall 15, Pa.	H, GM.	Lake City, Fla.	R, H, GM, c
Atlanta, Ga.	R, H, T, GM	Legion, Tex.	H, TB, gm.
Atlanta 3, Ga.	A 4.	Lexington, Ky.	H, H, NP
Augusta, Ga.	H, NP	Lincoln 1, Nebr.	R, H, GM, c
Baltimore 2, Md.	R (open July 1, 1944)	Little Rock, Ark.	R
Baltimore 2, Md.	A 3	Livermore, Calif.	H, TB, c, w
Batavia, N. Y.	R, H, GM, c.	Los Angeles 25, Calif.	R, H, D, T, GM, c, w
Bath, N. Y.	H, D, GM, c.	Lyons, N. J.	R, H, NP, c.
Bay Pines, Fla.	R, H, D, GM, w.	Manchester, N. H.	R
Bedford, Mass.	H, NP, c.	Marion, Ill.	H, GM.
Biloxi, Miss.	H, D, GM	Marion, Ind.	H, NP, c.
Boise, Idaho.	R, H, D, GM, ch	Memphis 4, Tenn.	H, GM, c
Boston 9, Mass.	R.	Mendota, Wis.	H, NP, c
Boston 8, Mass.	A 1		R, H, GM, tb, c
Brecksville, Ohio.	R, H, GM, c.		R, H, GM
Bronx 63, N. Y.	R, H, T, GM, c, w.		H, D, GM, c
Canandaigua, N. Y.	H, NP, c.		R, H, NP, c.
Castle Point, N. Y.	H, TB, c, w.		R, H, GM, c.
Cheyenne, Wyo.	R, H, GM, c		R, H, GM, c.
Chicago 7, Ill.	A 6		R
Chillicothe, Ohio.	H, NP, c.	New York 11, N. Y.	R.
Coatesville, Pa.	H, NP, c.	New York 5, N. Y.	A 2
Columbia, S. C.	R, H, GM, c.	Northampton, Mass.	H, NP, c.
Columbus 15, Ohio.	A 5	North Little Rock, Ark.	H, NP
Dallas 2, Tex.	H, GM.	Northport, Long Island, N. Y.	H, NP, c.
Dallas 2, Tex.	A 8	Oteen, N. C.	H, TB, c, w.
Danville, Ill.	H, NP, c.	Outwood, Ky.	H, TB
Dayton, Ohio.	R, H, D, GM, tb, c, w.	Palo Alto, Calif.	H, NP, c, w.
Dearborn, Mich.	R, H, GM, c.	Perry Point, Md.	H, NP, c, w.
Denver 2, Colo.	R	Philadelphia 6, Pa.	B
Des Moines 10, Iowa.	R, H, GM, c.	Pittsburgh 22, Pa.	R (open July 1, 1944)
Downey, Ill.	H, NP, c.	Portland 7, Oreg.	R, H, T, GM, c
Dwight, Ill.	H, GM, c.	Providence 2, R. I.	R.
Excelsior Springs, Mo.	H, TB, c.	Reno, Nev.	R, H, GM.
Fargo, N. Dak.	R, H, GM, c.	Roanoke 17, Va.	R, H, NP, c
Fayetteville, Ark.	H, GM.	Roseburg, Oreg.	H, NP, c
Fayetteville, N. C.	R, H, GM.	Rutland Heights, Mass.	H, TB, c, w.
Fort Bayard, N. Mex.	H, TB, gm, c.	Salt Lake City 3, Utah.	R, H, GM, c, w.
Fort Custer, Mich.	H, NP, c	San Fernando, Calif.	H, TB, c, w.
Fort Harrison, Mont.	R, H, GM, c.		
Fort Howard, Md.	H, GM.		
Fort Lyon, Colo.	H, NP, c.		
Gulport, Miss.	H, NP.		
Hines, Ill.	R, H, C, T, GM, tb, c, w.		

Address	Type of activities	Address	Type of activities
San Francisco 21, Calif.....	R, H, C, GM, c, w.	Tuskegee, Ala.....	H, NP-GM, co.
San Francisco 4, Calif.....	A 9.	Waco, Tex.....	R, H, NP, c.
Saratoga Springs, N. Y.....	GM, c.	Wadsworth, Kans.....	H, D, GM, tb, c.
Seattle 4, Wash.....	R.	Walla Walla, Wash.....	H, TB, gm, c, w.
Sheridan, Wyo.....	H, NP, c.	Washington 7, D. C., 2850	H, C, T, GM, c, w.
Sioux Falls, S. Dak.....	R.	Wisconsin Ave. NW.	
St. Cloud, Minn.....	H, NP, c.	West Roxbury 32, Mass.....	R, H, GM, c.
St. Louis 1, Mo.....	A 7.	Whipple, Ariz.....	H, TB, gm, c.
Sturgis, S. D.....	H, NP.	White River Junction,	R, H, GM, c.
Sunmount, N. Y.....	H, TB, c, w.	Vt.	
Togus, Maine.....	R, H, NP, gm, c.	Wichita 2, Kans.....	R, H, GM, c.
Tucson, Ariz.....	R, H, TB, gm, c.	Wood, Wis.....	R, H, D, GM, tb, c, w.
Tuscaloosa, Ala.....	H, NP, gm, tb, w.		

#### VETERANS' ADMINISTRATION, CENTRAL OFFICE, WASHINGTON, D. C.

The following area is allocated to the central office, Washington, D. C., where duties similar to those of a regional office are performed for veterans residing in the area.

District of Columbia, plus Guam, Hawaii, Panama Canal Zone, Philippine Islands, Puerto Rico, Samoa, Virgin Islands, and all foreign countries, plus the chief attorney activities in counties in Virginia: Arlington, Clark, Culpeper, Fairfax, Fauquier, Frederick, Greene, Loudoun, Madison, Page, Prince William, Rappahannock, Shenandoah, Stafford, Warren; in West Virginia: Grant, Berkeley, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton; in Maryland: Calvert, Charles, Montgomery, Prince Georges, and St. Marys; and guardianship matters in foreign countries and possessions of the United States other than Alaska, Puerto Rico, and the Philippine Islands.

#### CONSTRUCTION PROGRAM

During the period beginning with the act of March 3, 1919, Public Law 326, Sixty-fifth Congress, and ending with the act of June 27, 1944 (Public Law 358 78th Cong.), the Congress has specifically authorized and appropriated the sum of \$224,068,767 for new hospital, domiciliary, and out-patient dispensary facilities. In addition, since 1923 there has been expended from regular fiscal funds the sum of \$26,572,347 for permanent improvements and extensions to facilities. Subsequent to the consolidation of veterans' activities in 1930 there has also been expended from the general post fund established by the former National Home for Disabled Volunteer Soldiers the sum of \$1,133,448 for improvements. Further, the Veterans' Administration has been allotted for improvements and new construction the sum of \$3,041,650 from the National Recovery Act of 1933 and the sum of \$13,268,200 from the Public Works Administration Appropriation Act of 1938. In all, a total of \$268,084,412 has been made available for construction purposes during the past 25 years as indicated below.

As of June 1, 1944, there were 72,987 hospital beds and 14,967 domiciliary beds available in Veterans' Administration facilities. To this number will be added 8,285 hospital beds, on which construction, alteration, or readjustment was under way on June 1, 1944. Funds are available for the acquisition of 12,164 hospital beds, including the appropriations in Public Law 216, Seventy-eighth Congress, December 23, 1943, Public Law 279, Seventy-eighth Congress,

gress, April 1, 1944, and Public Law 358, Seventy-eighth Congress, June 27, 1944. It is expected that by future construction and the acquisition of 100,000 beds from the Army and Navy after the war, a total of 300,000 beds will be available to the Veterans' Administration. It is estimated that the need for hospital beds will not reach its peak in all probability until long after termination of the war, and that the plans for increased beds will adequately meet the needs of the Veterans' Administration as such needs arise.

Under the Servicemen's Readjustment Act of 1944, the Administrator of Veterans' Affairs and the Federal Board of Hospitalization are authorized and directed to expedite and complete the construction of additional hospital facilities for war veterans and to enter into agreements and contracts for the use by or transfer to the Veterans' Administration of suitable Army and Navy hospitals after termination of hostilities in the present war or after such institutions are no longer needed by the armed services. The act authorizes the appropriation of \$500,000,000 for the construction of additional hospital facilities.

The Administrator of Veterans' Affairs and the Secretary of War and Secretary of the Navy are granted authority to enter into agreements and contracts for the mutual use or exchange of use of hospital and domiciliary facilities and such supplies, equipment, and material as may be needed to properly operate such facilities or for the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans, except that at no time shall the Administrator of Veterans' Affairs enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number now established or approved plus the estimated number required to meet the load of eligibles under laws administered by the Veterans' Administration, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government. (Secs. 101, 102, Public Law 346, approved June 22, 1944.)

### *Hospitals and homes—Construction program*

#### HOSPITALS

Authorizations	Appropriations
Mar. 3, 1919. Public, 326, 65th Cong., \$9,050,000.	Mar. 3, 1919. Public, 326, 65th Cong., appropriated \$9,050,000 (\$8,840,000 for construction, \$210,000 for furniture and equipment).
No prior authorization.....	Mar. 6, 1920. Public, 155, 66th Cong., appropriated \$500,000 to continue in effect and carry out certain provisions of act of Mar. 3, 1919.
Mar. 6, 1920. Public, 155, 66th Cong., \$400,000 (Cook County, Ill.).	Mar. 1, 1921. Public 338, 66th Cong., appropriated \$400,000 for completion of buildings in Cook County, Ill.
No prior authorization.....	June 8, 1920. Public, 246, 66th Cong., appropriated \$295,000 to continue in effect certain provisions of act of Mar. 3, 1919.
Mar. 4, 1921. Public, 384, 66th Cong., \$18,600,000	Mar. 4, 1921. Public, 384, 66th Cong., appropriated \$18,600,000; not over \$6,100,000 to be used for remodeling and extending existing plants.
No prior authorization.....	Mar. 4, 1921. Public, 389, 66th Cong., appropriated \$300,000 to continue in effect certain provisions of act of Mar. 3, 1919.
Do.....	June 16, 1921. Public, 18, 67th Cong., appropriated \$750,000 in addition to the \$1,500,000 provided in act of Mar. 3, 1919, for construction at Dawson Springs, Ky., increasing the limit of cost to \$2,250,000.
Do.....	June 16, 1921. Public, 18, 67th Cong., repealed provision of act of Mar. 4, 1921, above, pertaining to the limitation of cost of \$6,100,000 for remodeling etc.; total amount appropriated by act of Mar. 4, 1921, to be available for purposes specified in that act.



*Hospitals and homes—Construction program—Continued*

## HOSPITALS—Continued

Authorizations	Appropriations
No prior authorization.....	June 16, 1921. Public, 18, 67th Cong., appropriated \$500,000 for recreation building, etc., Hines, Ill. (Broadview Hospital).
Do.....	Feb 17, 1922. Public, 145, 67th Cong., appropriated \$100,000 for repairs at Oteen, N. C.; \$150,000 for repairs at Perryville, Md.; \$50,000 for repairs at West Roxbury, Mass; \$50,000 for repairs and remodeling at Palo Alto, Calif. total, \$350,000.
Apr. 20, 1922. Public, 194, 67th Cong. (sec. 3), \$17,000,000.	May 11, 1922. Public, 216, 67th Cong., appropriated \$12,000,000 and allowed the Director to incur obligations for remaining \$5,000,000 authorized by Public, 194, 67th Cong.
June 5, 1924. Public, 197, 68th Cong. (sec. 2), \$6,850,000.	Apr 2, 1924. Public, 66, 68th Cong., appropriated the remaining \$5,000,000 authorized by Public, 194, 67th Cong.
	Dec. 5, 1924. Public, 292, 68th Cong., appropriated \$3,850,000 to remain available until June 30, 1925, and gave authority to incur obligations for the remaining \$3,000,000
	Mar. 4, 1925. Public, 631, 68th Cong., extended the time above appropriation may be used until June 30, 1926
	Mar 3, 1926. Public, 36, 69th Cong., appropriated \$3,000,000 authorized by Public, 197, 67th Cong.
Mar. 3, 1926. Public, 587, 68th Cong., \$10,000,000.	Mar 3, 1926. Public, 36, 69th Cong., appropriated \$5,000,000 authorized by Public, 587, 68th Cong.
	Apr. 22, 1926. Public, 141, 69th Cong., appropriated \$4,000,000 authorized by Public, 587, 68th Cong.
	Feb. 11, 1927. Public, 600, 69th Cong., appropriated the remaining \$1,000,000 authorized by Public, 587, 68th Cong.
May 23, 1928. Public, 480, 70th Cong. \$15,000,000.	May 29, 1928. Public, 563, 70th Cong., appropriated \$7,000,000 of amount authorized by Public, 480.
	Feb 20, 1929. Public, 778, 70th Cong., appropriated \$6,000,000 of the amount authorized by Public, 480, with authority to incur obligations for the remaining \$2,000,000.
	Apr 19, 1930. Public, 158, 71st Cong., appropriated the remaining \$2,000,000 authorized by Public, 480, 70th Cong.
Dec. 23, 1929. Public, 29, 71st Cong., \$15,950,000.	Mar. 26, 1930. Public, 78, 71st Cong., appropriated \$8,000,000 of the amount authorized by Public, 29, 71st Cong.
	Feb. 23, 1931. Public, 720, 71st Cong., appropriated \$7,950,000, the remaining amount authorized by Public, 29, 71st Cong.
Mar. 4, 1931. Public, 868, 71st Cong. (sec. 3), \$20,877,000.	Mar 4, 1931. Public Res 138, 71st Cong., appropriated \$5,000,000 of the amount authorized by Public, 868, 71st Cong.
	Dec 21, 1931. Public Res 3, 72d Cong., allowed Administrator to incur obligations for full amount authorized.
	June 30, 1932. Public, 228, 72d Cong., appropriated \$10,877,000 of amount authorized by Public, 868, 71st Cong.
	June 16, 1933. Public, 78, 73d Cong., appropriated \$1,000,000 of amount authorized by Public, 868, 71st Cong., Mar. 4, 1931.
No prior authorization.....	Aug. 12, 1935. Public, 260, 74th Cong., appropriated \$21,250,000 for extending facilities, etc.
Do.....	Mar 19, 1936. Public, 479, 74th Cong., appropriated \$4,000,000, remaining amount authorized by Public, 868, 71st Cong., Mar. 4, 1931.
Do.....	May 23, 1938. Public, 534, 75th Cong., appropriated \$4,800,000 for extending facilities, etc.
Do.....	Mar 16, 1939. Public, 8, 76th Cong., appropriated \$4,015,000 for extending facilities, etc.
Do.....	Apr. 18, 1940. Public, 459, 76th Cong., appropriated \$2,165,000 for extending facilities, etc.
Do.....	June 27, 1940. Public, 668, 76th Cong., appropriated \$1,000,000 for extending facilities, etc.
Do.....	Apr. 5, 1941. Public, 28, 77th Cong., appropriated \$3,500,000 for extending facilities, etc.
Do.....	May 24, 1941. Public, 73, 77th Cong., appropriated \$1,000,000 for extending facilities, etc.
Do.....	June 27, 1942. Public, 630, 77th Cong., appropriated \$4,557,000 for extending facilities, etc.
Do.....	June 26, 1943. Public, 90, 78th Cong., appropriated \$4,557,000 for extending facilities, etc.
Do.....	Dec. 23, 1943. Public, 216, 78th Cong., appropriated \$10,356,000 for extending facilities, etc.
Do.....	Apr 1, 1944. Public, 279, 78th Cong., appropriated \$31,650,000 for extending facilities, etc.
Do.....	June 27, 1944. Public, 354, 78th Cong., appropriated \$7,374,800 for extending facilities, etc.
June 23, 1944. Public, 346, 78th Cong. (sec. 101), \$500,000,000.	

*Hospitals and homes—Construction program—Continued*

## HOMES

June 7, 1924. Public, 217, 68th Cong., \$1,600,000 (Pacific branch, California).	Mar. 4, 1925. Public, 631, 68th Cong., appropriated \$1,600,000 the amount authorized by Public, 217, 68th Cong.
Mar. 4, 1927. Public, 798, 69th Cong., \$700,000 (Marion, Ind.).	Mar. 23, 1928. Public, 181, 70th Cong (War Department), appropriated \$700,000, the amount authorized by Public, 798, 69th Cong.
Feb. 13, 1928. Public, 26, 70th Cong., \$200,000 (Pacific branch, California).	Mar. 23, 1928. Public, 181, 70th Cong. (War Department), appropriated \$200,000, the amount authorized by Public, 26, 70th Cong.
Apr. 23, 1928. Public, 300, 70th Cong., \$2,100,000 (Pacific branch, California).	Mar. 4, 1929. Public, 1034, 70th Cong. (deficiency appropriation), appropriated \$1,050,000 and gave authority to incur obligation \$305,000.
Feb. 20, 1929. Public, 780, 70th Cong., \$1,600,000 (Dayton, Ohio).	Mar. 26, 1930. Public, 78, 71st Cong. (deficiency appropriation), appropriated \$200,000 of the amount authorized by Public, 300, 70th Cong.
Feb. 26, 1929. Public, 812, 70th Cong., \$150,000 (Marion, Ind.)	Mar. 26, 1930. Public, 78, 71st Cong. (deficiency appropriation), appropriated \$1,475,000 of the amount authorized by Public, 780, 70th Cong.
May 16, 1930. Public, 230, 71st Cong., \$750,000 (Togus, Maine)	Mar. 26, 1930. Public, 78, 71st Cong. (deficiency appropriation), appropriated \$100,000 of the amount authorized by Public, 812, 70th Cong.
June 21, 1930. Public, 405, 71st Cong., \$2,000,000 (Southern States)	Feb. 23, 1931. Public, 720, 71st Cong., appropriated \$750,000, the full amount authorized by Public, 230, 71st Cong.
July 1, 1930. Public, 492, 71st Cong., \$650,000 (Johnson City, Tenn.)	Feb. 23, 1931. Public, 720, 71st Cong., appropriated \$1,000,000 of the amount authorized by Public, 405, 71st Cong.
July 3, 1930. Public, 505, 71st Cong., \$2,000,000 (Northwest Pacific States, Oregon).	Feb. 23, 1931. Public, 720, 71st Cong., appropriated \$650,000, the full amount authorized by Public, 492, 71st Cong.
	Feb. 23, 1931. Public, 720, 71st Cong., appropriated \$1,000,000 of the amount authorized by Public, 505, 71st Cong.
	Dec 21, 1931. Public Res 3, 72d Cong., allowed Administrator to incur obligations for remaining amount authorized by Public, 405, 71st Cong.
	Dec 21, 1931. Public Res 3, 72d Cong., allowed Administrator to incur obligations for remaining amount authorized by Public, 505, 71st Cong.
	June 30, 1932. Public, 228, 72d Cong., appropriated \$1,000,000, authorized by act of June 21, 1930, Public, 405, 71st Cong.
	June 30, 1932. Public, 228, 72d Cong., appropriated \$1,000,000, authorized by act of July 3, 1930, Public, 505, 71st Cong.
	Feb 2, 1935. Public, 2, 74th Cong., appropriated \$350,000, remaining balance authorized by act of Apr 23, 1928, Public, 300, 70th Cong.
	Feb 2, 1935. Public, 2, 74th Cong., appropriated \$25,000, remaining balance authorized by act of Feb. 20, 1929, Public, 780, 70th Cong.
	Feb 2, 1935. Public, 2, 74th Cong., appropriated \$50,000, remaining balance authorized by act of Feb. 26, 1929, Public, 812, 70th Cong.

It is understood that after termination of hostilities of the present war, Army and Navy hospitals, in number to be determined, will be added to Veterans' Administration facilities.

## PART II

### BENEFITS FOR THOSE IN ACTIVE SERVICE AND THEIR DEPENDENTS

#### PAY OF SERVICE PERSONS

The Pay Readjustment Act of 1942, as amended, substantially increased the pay of all enlisted men, and of all second lieutenants and ensigns of the United States armed forces, effective June 1, 1942, and also provided for certain increases in the allowances for quarters of officers. Old and new pay rates per month are shown below:

	Old	New
Private, apprentice seamen (first 4 months) (seventh grade).....	\$21	\$50
Private, 1st class (second class seamen) (sixth grade).....	36	54
Corporal, first class seamen (fifth grade).....	54	66
Sergeant, petty officer, third class (fourth grade).....	60	78
Staff sergeant, petty officer, second class (third grade).....	72	96
First sergeant, petty officer, first class (second grade).....	84	114
Chief petty officer, acting (first grade).....	99	126
Chief petty officer, regular (first grade).....	112	138
Master sergeant (first grade).....	126	138
Second lieutenant, ensign.....	125	150

Uniformity of pay as to the several similar grades of warrant officers in the separate services, with some consequent increases, were effected.

Previous longevity pay increases for all enlisted men and officers were uniformized by adding 5 percent to the base pay for each 3 years up to 30 years, but suspending all reenlistment gratuities until 6 months after termination of the present war.

Under a recent enactment of the Congress, an enlisted man of the combat ground forces of the Army who is entitled, under regulations prescribed by the Secretary of War to wear the expert infantryman badge or the combat infantryman badge is entitled to additional compensation at the rate of \$5 per month when he is entitled to wear the expert infantryman badge and \$10 per month when entitled to wear the combat infantryman badge but additional compensation for both awards may not be paid at the same time. (Public Law 393, 78th Cong., June 30, 1944.)

All base pay of enlisted men is increased by 20 percent, and of all officers by 10 percent while on sea duty or in any place beyond the continental limits of the United States or in Alaska; active flying duty increases the base pay by 50 percent, and active parachutist duty by \$100 per month for officers and \$50 per month for enlisted men.

Under a recent enactment of the Congress military and naval personnel assigned to the operation of and making flights in gliders will receive an increase of 50 per centum of their pay but such increased pay may not exceed that authorized for paratroopers. (Public Law 409, 78th Cong., July 1, 1944.)

Additional pay is also provided for submarine and diving duty by Public Law 697, Seventy-seventh Congress, approved August 4, 1942, as follows:

All officers and enlisted men of the Navy on duty on board a submarine of the Navy, including submarines under construction for the Navy from the time builders' trials commence shall, while so serving, receive 50 per centum additional of the pay for their rank or rating and service as now or hereafter provided by law; all officers of the Navy on duty at submarine escape training tanks, the Navy Deep Sea Diving School, or the Naval Experimental Diving Unit shall, while so serving, receive 25 per centum additional of the pay for their rank and service as now or hereafter provided by law; and an enlisted man of the Navy assigned to the duty of diving shall receive additional pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than \$5 per month and not exceeding \$30 per month, in addition to the pay and allowances of his rating and service: *Provided*, That officers and enlisted men employed as divers in actual salvage or repair operations in depths of over ninety feet, or in depths of less than ninety feet when the officer in charge of the salvage or repair operation shall find in accordance with instructions prescribed by the Secretary of the Navy that extraordinary hazardous conditions exist, shall, in addition to the foregoing, receive the sum of \$5 per hour for each hour or fraction thereof so employed. (Public Law 697, 77th Cong., approved August 4, 1942.)

Retired personnel became entitled to adjustment of retired pay under the Pay Readjustment Act of 1942.

Clothing allowances as prescribed by the President were also provided for as to all enlisted men, in any case where clothing itself is not furnished to the men. (Public Law 607, 77th Cong., approved June 16, 1942, as amended by Public Law 785, 77th Cong., approved December 2, 1942.)

Members of the Women's Reserve of the Navy and Marine Corps and Women's Reserve of the Coast Guard, or their dependents, are entitled to all allowances or benefits provided for male officers and enlisted men with dependents except that husbands of such members may not be considered dependents and the children of such members may not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support. (Sec. 1, Public Law 183, 78th Cong., approved November 8, 1943.)

#### ADDITIONAL PAY TO HOLDERS OF CERTAIN MEDALS

##### UNITED STATES ARMY

Each enlisted or enrolled man to whom there shall be awarded the Distinguished Flying Cross or the soldier's medal shall be entitled to additional pay at the rate of \$2 per month from the date of the act of heroism or extraordinary achievement on which the award is based, and each bar, or other suitable device in lieu of the Distinguished Flying Cross or the soldier's medal shall entitle him to further additional pay at the rate of \$2 per month from the date of the act of heroism or extraordinary achievement for which the bar or other device is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous (act of July 2, 1926, 44 Stat. 789).

##### UNITED STATES NAVY

Each enlisted or enrolled person in the naval service to whom is awarded a medal of honor, Navy Cross, Distinguished Service Medal, Silver Star Medal, or a Navy and Marine Corps Medal, or the Distinguished Flying Cross, shall, for each such award, be entitled to

additional pay at the rate of \$2 per month from the date of the distinguished act or service on which the award is based and each bar, or other suitable emblem or insignia in lieu of a medal of honor, Navy Cross, Distinguished Service Medal, Silver Star Medal, or a Navy and Marine Corps Medal, shall entitle him to further additional pay at the rate of \$2 per month from the date of the distinguished act or service for which the bar is awarded, and such additional pay shall continue throughout his active service, whether such service shall or shall not be continuous (act of February 4, 1919, as amended August 7, 1942, 56 Stat. 744; act of July 2, 1926, 44 Stat. 789).

### FAMILY ALLOWANCES

The Servicemen's Dependents Allowance Act of 1942, as amended by the act of October 26, 1943 (Public Law 174, 78th Cong.), provides for family allowances for the dependents of any enlisted person, male or female, in the Army of the United States, the United States Navy, the Marine Corps, or Coast Guard, including any and all retired and reserve components of such services while in active military or naval service of the United States on or after June 1, 1942, and during the existence of any war declared by Congress and the 6 months immediately following the termination of such war. Prior to the act of October 26, 1943, family allowances were authorized only for the dependents of enlisted men of the fourth, fifth, sixth, or seventh grades of such services. The term "enlisted man" as used in the act of October 26, 1943, also includes any aviation cadet and any member except the leader and second leader of the band of the United States Marine Corps but does not include any member of the Philippine Army, the Philippine Scouts, the insular force of the Navy, the Samoan native guard or band of the Navy, or the Samoan reserve force of the Marine Corps.

The dependents to whom a family allowance is payable are divided into three classes as follows:

*Class A* dependent or dependents include a lawful wife; a former wife divorced who has not remarried and to whom alimony has been decreed and is still payable; a child who may be a legitimate child, child legally adopted, stepchild if a member of the man's household, including a stepchild who continues as a member of the man's household after death of the mother or termination of the marriage, or an illegitimate child but only where the man has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child or where the man has acknowledged in writing that he is the father of such child, or a person to whom the man stands in loco parentis and has so stood for not less than 12 months prior to date of application on behalf of such child.

*Class B* dependent or dependents include any person who is the parent, brother or sister of the enlisted man and who is found by the Secretary of the service department concerned to be dependent upon such enlisted man for a substantial portion of his support.

*Class B-1* dependent or dependents include any person who is the parent, brother or sister of the enlisted man and who is found by the Secretary of the service department concerned to be dependent upon such enlisted man for the chief portion of his support.

The term "parent" includes a father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through

adoption, either of the person in service or of the spouse and persons who, for a period of not less than 1 year prior to the man's enlistment or induction stood in loco parentis to the man concerned. However, not more than two within those named may be designated to receive an allowance and in the absence of a designation, preference will be given to the parent or parents (not exceeding two) who actually exercised parental relationship at the time of or most nearly prior to date of the enlisted man's entrance into service and if such parent or parents be not dependent or waive an allowance, preference may be extended to others within the class who at a more remote time actually supported the enlisted man prior to his entrance into service.

Brothers and sisters may be of the halfblood, as well as the whole blood, stepbrothers and stepsisters and brothers and sisters through adoption.

A child, brother, or sister must be unmarried and under 18 years of age, or may be of any age if incapable of self-support by reason of mental or physical defect.

Ordinarily, the monthly family allowance is payable from the first day of the month in which application is filed by the enlisted man or by or on behalf of a dependent or the first day of the month in which the dependent first becomes entitled, and for any month in which a monthly allowance is paid, the monthly pay of the enlisted man is reduced by or charged with the amount of \$22, and with an additional amount of \$5 if the dependents to whom such allowance is payable include more than one class of dependents. However, an initial family allowance will be paid by the Government to the designated dependent or dependents with no reduction in or charge to the pay of the enlisted man when written application therefor is filed by the enlisted man within 15 days after the date of his entry into active service in a pay status as follows:

- (1) \$50, if such enlisted man has a wife but no child;
- (2) \$80, if such enlisted man has a wife and one child, and an additional \$20 for each additional child,
- (3) \$42, if such enlisted man has no wife but has one child, and an additional \$20 for each additional child;
- (4) \$50, if such enlisted man has one parent dependent upon him for chief support; \$68 if such enlisted man has one parent and one brother or sister dependent upon him for chief support, and an additional \$11 for each additional brother or sister dependent upon him for chief support,
- (5) \$68, if such enlisted man has two parents dependent upon him for chief support, and an additional \$11 for each additional brother or sister dependent upon him for chief support;
- (6) \$42, if such enlisted man has no parent but has a brother or sister dependent upon him for chief support, and an additional \$11 for each additional brother or sister dependent upon him for chief support;

Payment of the initial family allowance will be made to one payee for each class of dependents for whom an allowance is requested and no monthly family allowance will be paid to any dependent of the enlisted man for the month for which any initial family allowance is paid to any dependent of such enlisted man.

The amount of the monthly family allowance payable to the dependent or dependents of any such enlisted man is as follows:

To class A dependent or dependents: A wife but no child, \$50; a wife and one child, \$80, with an additional \$20 for each additional child; a child but no wife, \$42, with an additional \$20 for each additional child; a former wife divorced but

no child, \$42; a former wife divorced and one child, \$72, with an additional \$20 for each additional child.

To class B dependent or dependents, payable only while there is no allowance payable to any class B-1 dependent, \$37.

To class B-1 dependent or dependents: One parent but no brother or sister, \$50; two parents but no brother or sister, \$68; one parent and one brother or sister, \$68, with an additional \$11 for each additional brother or sister; two parents and one brother or sister, \$79, with an additional \$11 for each additional brother or sister; a brother or sister but no parent, \$42, with an additional \$11 for each additional brother or sister.

Whenever a division is made of payments of the monthly family allowance among dependents of a class the total amount payable to or for the benefit of two or more children, of two parents, of a former wife divorced and one or more children, or of two or more brothers and sisters will be equally divided among the respective children, parents, former divorced wife, or brothers and sisters or apportioned and paid within the respective groups as the Secretary of the department concerned may direct. The monthly family allowance to class B dependents is payable to only one designated payee unless the Secretary of the department concerned directs that the amount be apportioned and paid to two or more of such dependents.

The family allowance granted to a wife living separate and apart from the enlisted man under a permanent or temporary court order or decree or written agreement may not exceed the amount provided in such order, decree, or written agreement to be paid to such wife, and if the order, decree, or written agreement provides that no amount be paid to such wife, no family allowance shall be payable to her. Likewise, the amount of the family allowance payable to a former wife divorced may not exceed the amount fixed in the court order or decree as the amount to be paid to such former wife divorced. In any case in which application of the foregoing provisions would result in payment to a dependent or dependents of an enlisted man in an amount less than \$22, the amount by which the pay of such enlisted man is reduced or with which it is charged will be the amount of such payment.

The family allowance payable to the dependents of an enlisted female are the same as those prescribed for dependents of an enlisted man and the amount for a husband or husband and children will be the same as that prescribed for a wife or wife and children. However, a husband and children of an enlisted female will be included as dependents only when found by the Secretary of the Department concerned to be dependent upon her for chief support.

An allotment from the pay of an enlisted man in effect at the time a monthly family allowance becomes payable to a dependent or dependents of such enlisted man may be continued, modified, or discontinued.

Monetary allowances in lieu of quarters for dependents, as authorized by section 10 of the Pay Readjustment Act of 1942 may not be paid for the period during which family allowances to dependents of enlisted men of the first, second, or third grades are authorized. Any such enlisted man who is receiving, or, being entitled to receive a monetary allowance in lieu of quarters for dependents, has applied therefor, may at his option, receive or continue to receive such monetary allowance or elect not to receive such monetary allowance and to have his dependents receive family allowance, and the Secretary of

the Department concerned may make the election on behalf of the enlisted man in any case in which he deems it desirable and finds it impracticable for the enlisted man to so elect, subject to termination at a later date upon specific request of the enlisted man. From and after October 26, 1943, payment of the monetary allowance may be made only for such periods as the enlisted man has in effect an allotment of pay in an amount not less than the amount of such monetary allowance for the support of the dependents on whose account the allowance is claimed. The monthly pay of any enlisted man of the first, second, or third grades who is provided with public quarters for his dependents and any of whose dependents is receiving a family allowance will be reduced by or charged with 90 cents per day.

The monthly family allowances are not assignable or subject to the claims of creditors of any person to whom or on behalf of whom they are paid and are not liable to attachment, levy, or seizure by or under any legal or equitable process.

Penalties for fraud, as contained in the Servicemen's Dependents Allowance Act of 1942, as amended, are set forth below:

SEC. 116. Whoever shall obtain or receive any money, check, or family allowance \* \* \* without being entitled thereto and with intent to defraud, shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SEC. 117. Whoever in any claim for family allowance or in any document required \* \* \* makes any statement of a material fact, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

SEC. 118. Any person who has been entitled to payment of a family allowance \* \* \* and whose entitlement to payment of such allowance has ceased shall, if he thereafter accepts payment of such allowance with intent to defraud, be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SEC. 119. Any person who shall, directly or indirectly, solicit, contract for, charge, or receive or shall attempt to solicit, contract for, charge, or receive any fee or compensation for assisting in any manner an enlisted man or dependent in obtaining a family allowance \* \* \* shall, upon conviction thereof, be guilty of a misdemeanor and for each and every offense shall be punishable by a fine of not less than \$100 nor more than \$1,000 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment.

The Servicemen's Dependents Allowance Act of 1942, as amended, is administered by the Secretary of War in its application to enlisted men of the Army of the United States and their dependents, and by the Secretary of the Navy in its application to enlisted men of the United States Navy, the Marine Corps, and the Coast Guard and their dependents. For further information concerning family allowances, inquiries should be directed to the War Department or Navy Department, Washington, D. C.

These provisions are applicable to dependents of any enlisted female only insofar as same are not inconsistent with the provisions of any law pertaining to the service of which she is a member. (Public Law 625, 77th Cong., approved June 23, 1942, as amended by Public Law 705, 77th Cong., approved August 20, 1942, and Public Law 174, 78th Cong., approved October 26, 1943.)

#### CONTINUANCE OF PAY AND ALLOWANCES OF CERTAIN MISSING PERSONS

Where any person in active service is officially reported as missing, missing in action, interned in a neutral country, or captured by an enemy, he is entitled, while so absent, to receive or to have credited



to his account the same pay and allowances to which he was entitled at the beginning of the absence or may become entitled to thereafter. Any such person who has made any allotment of pay for the support of dependents or for payment of insurance premiums is entitled to have such allotments continued for a period of 12 months from date of commencement of absence. Where such person may not have executed an allotment or where the allotments made are not sufficient for the reasonable support of dependents or payment of insurance premiums, the head of the service department concerned may direct that allotments not exceeding the amount of pay and allowances the missing person would be entitled to allot be paid to the insurer or to such dependents as have been designated in the official records or as may be determined by the head of the department. When the 12 months' period has expired and no official report of death or of being a prisoner or of being interned has been received, the head of the department concerned, after a full review of the case, or following any subsequent review of the case may direct a continuance of the person's missing status, if the person may reasonably be presumed to be living, or make a finding of death. When a finding of death is made, such date is the day following the expiration of an absence of 12 months or where the missing status has been continued on a day determined by the head of the department.

When it is officially reported that a person missing under the foregoing conditions is alive and in the hands of an enemy or interned in a neutral country, the payments authorized may be made for a period not to extend beyond the date of receipt by the head of the department concerned of evidence that the missing person is dead or has returned to the controllable jurisdiction of the department concerned. (Public Law 490, 77th Cong., approved March 7, 1942, as amended by Public Law 848, 77th Cong., approved December 24, 1942.)

Dependents, upon receipt of information from the War or Navy Department, that a person in the armed forces is missing, or has been captured, should immediately write to the head of the branch of the armed service in which the man was serving, giving name, rank, organization, and serial number; also setting forth the need for financial assistance, and at the same time state whether or not the missing or captured person had previously made an allotment. Dependents of such persons, upon receipt of advice from the service department concerned that such person has been officially reported dead, or that a finding of death has been made, should file claim for death pension benefits with the Veterans' Administration in order to protect their rights.

#### **WOMEN'S ARMY CORPS AND WOMEN'S RESERVE OF NAVY, MARINE, AND COAST GUARD**

##### **WOMEN'S ARMY CORPS**

Officers of the Women's Army Corps and their dependents have all the rights, privileges, and benefits accorded in like cases to persons appointed as officers in the Army of the United States under the provisions of joint resolution of September 22, 1941. Officers appointed under that resolution receive the same pay and allowances and are entitled to the same rights, privileges and benefits as members of the Officers' Reserve Corps of the same grade and length of service. All laws and regulations now or hereafter applicable to enlisted men or

former enlisted men of the Army of the United States and their dependents and beneficiaries, except where otherwise expressly provided, are in like cases applicable to enlisted personnel and former enlisted personnel of such corps and their dependents and beneficiaries. (Public Law 110, 78th Cong., approved July 1, 1943.)

The benefits payable for disability or death to members of the Women's Army Corps or their dependents are the same as those provided for all officers, warrant officers, and enlisted men of the Army of the United States, other than officers and enlisted men of the Regular Army, who are called or ordered into the active military service by the Federal Government for extended military service in excess of 30 days, other than for service with the Civilian Conservation Corps, and who suffer disability or death in line of duty from disease or injury while so employed. Such officers, warrant officers and enlisted men are deemed to have been in the active military service during such period and are entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers and enlisted men of corresponding grades and length of service of the Regular Army including, for their dependents, the 6 months' death gratuity. (Public Law 18, 76th Cong., approved April 3, 1939; Public Law 213, 76th Cong., approved July 25, 1939; Public Law 329, 77th Cong., approved December 10, 1941.)

Members of the Women's Army Corps are eligible for national service life insurance (Public Law 801, 76th Cong., approved October 8, 1940, as amended), for the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 (Public Law 861, 76th Cong., approved October 17, 1940), as amended, and of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong., approved June 22, 1944). Vocational rehabilitation by the Veterans' Administration under Public Law 16, Seventy-eighth Congress, approved March 24, 1943, or education or training under the Servicemen's Readjustment Act of 1944 is available to members of the Women's Army Corps, otherwise eligible, on a parity with other World War II veterans and those who do not meet the requirements thereof, may be eligible for vocational rehabilitation under an approved State plan for the vocational rehabilitation of war disabled civilians or other disabled individuals under Public Law 113, Seventy-eighth Congress, approved July 6, 1943.

The dependents of enlisted members of the Women's Army Corps are eligible for family allowances under the Servicemen's Dependents Allowance Act of 1942, as amended, subject to the limitations contained in section 121 as added by Public Law 174, Seventy-eighth Congress, approved October 26, 1943, which provides that the husband and children of an enlisted female shall be included as dependents only when found by the secretary of the department concerned to be dependent upon her for chief support. The amount payable in such cases is the amount prescribed by law for a wife or wife and children. (Public Law 625, 77th Cong., approved June 23, 1942; Public Law 705, 77th Cong., approved August 20, 1942; Public Law 174, 78th Cong., approved October 26, 1943.)

#### WOMEN'S RESERVE OF THE NAVY AND MARINE CORPS

Originally, members of the Women's Reserve of the Navy and Marine Corps and their dependents were not entitled to receive the same pensions, compensation, retirement pay, or hospital benefits

provided by law for officers, nurses, warrant officers, and enlisted men of the United States Naval Reserve or United States Marine Corps Reserve for disability or death suffered in line of duty while on active duty in the military or naval service of the United States or to the 6 months' death gratuity, as these benefits were specifically denied to members of the Women's Reserve of the Navy and Marine Corps and their dependents by section 506, Public Law 689, Seventy-seventh Congress, approved July 30, 1942, which authorized, in lieu thereof, the benefits prescribed by law for civil employees of the United States and their dependents under the United States Employees' Compensation Act, as amended. Later, hospitalization, domiciliary care, and burial benefits under laws administered by the Veterans' Administration were extended to members of the Women's Reserve of the Navy and Marine Corps on a parity with veterans of World War I by Public Law 10, Seventy-eighth Congress, approved March 17, 1943.

Under a recent enactment of Congress approved November 8, 1943, (Public Law 183, 78th Cong.) amending the Naval Reserve Act of 1938, the foregoing provision governing benefits payable for disability or death to members of the Women's Reserve of the Navy and Marine Corps and their dependents was removed. The benefits for disability or death now payable to members of the Women's Reserve of the Navy and Marine Corps and their dependents are the same as those provided by law for all officers, nurses, warrant officers, and enlisted men of the United States Naval Reserve or United States Marine Corps Reserve, who, if called or ordered into active naval or military service by the Federal Government for extended naval or military service in excess of 30 days, suffer disability or death in line of duty from disease or injury, while so employed. Such officers, nurses, warrant officers, and enlisted men are deemed to have been in the active naval service during such period, and they or their beneficiaries are entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers, warrant officers, nurses, and enlisted men of corresponding grades and length of service of the Regular Navy or Marine Corps, including for their dependents, the payment of the 6 months' death gratuity. (Public Law 775, 76th Cong., approved August 27, 1940; Public Law 16, 77th Cong., approved March 17, 1941; Public Law 737, 77th Cong., approved October 10, 1942.)

Members of the Women's Reserve of the Navy and Marine Corps, ordered to active duty in the land or naval forces of the United States for a period in excess of 30 days are eligible for national service life insurance (Public Law 801, 76th Cong., approved October 8, 1940, as amended), for the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 (Public Law 861, 76th Cong., approved October 17, 1940), as amended and of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong., June 22, 1944). Vocational rehabilitation by the Veterans' Administration under Public Law 16, Seventy-eighth Congress, approved March 24, 1943, or education or training under the Servicemen's Readjustment Act of 1944 is available to members of the Women's Reserve of the Navy and Marine Corps, otherwise eligible, on a parity with other World War II veterans and those who do not meet the requirements thereof, may be eligible for vocational rehabilitation under an approved State plan for the vocational rehabilitation of war disabled civilians or other disabled

individuals under Public Law 113, Seventy-eighth Congress, approved July 6, 1943.

The dependents of enlisted members of the Women's Reserve of the Navy and Marine Corps were made eligible for family allowances under the Servicemen's Dependents Allowance Act of 1942, as amended, subject to the limitations contained in section 121 as added by Public Law 174, Seventy-eighth Congress, approved October 26, 1943, which provides that the husband and children of an enlisted female shall be included as dependents only when found by the Secretary of the department concerned to be dependent upon her for chief support. The amount which would be payable in such cases is the amount prescribed by law for a wife or wife and children. However, it is further provided that the foregoing provisions shall be applicable to dependents of any enlisted female only insofar as such provisions are not inconsistent with the provisions of any law pertaining to the service of which she is a member. Since section 506 of the Naval Reserve Act of 1938 as amended by Public Law 183, Seventy-eighth Congress, November 8, 1943, provides that husbands of members of the Women's Reserve of the Navy and Marine Corps shall not be considered dependents, no family allowance is payable to the husband of a member of the Women's Reserve of the Navy or Marine Corps. Public Law 183, Seventy-eighth Congress, November 8, 1943, provides further that children of members of the Women's Reserve of the Navy and Marine Corps shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support. (Public Law 625, 77th Cong., approved June 23, 1942; Public Law 705, 77th Cong., approved August 20, 1942; Public Law 174, 78th Cong., approved October 26, 1943; Public Law 183, 78th Cong., approved November 8, 1943.)

#### WOMEN'S RESERVE OF THE COAST GUARD

Originally, members of the Women's Reserve of the Coast Guard were not entitled to receive the same benefits prescribed by law for members of the Naval Reserve who suffer sickness, disease, disability, or death in line of duty, including the 6 months' death gratuity, as these benefits were specifically denied to members of such corps and their dependents by section 406, Public Law 773, Seventy-seventh Congress, approved November 23, 1942, which authorized, in lieu thereof, the benefits provided for temporary members of the Reserve in section 212 of the Coast Guard Auxiliary and Reserve Act of 1941 (Public Law 8, 77th Cong.), i. e., the benefits prescribed by law for civil employees of the United States under the United States Employees' Compensation Act, as amended. Later, hospitalization, domiciliary care, and burial benefits under laws administered by the Veterans' Administration, were extended to members of the Women's Reserve of the Coast Guard on a parity with veterans of World War I by Public Law 10, Seventy-eighth Congress, approved March 17, 1943.

Under a recent enactment of Congress approved December 23, 1943 (Public Law 214, 78th Cong.), amending the Coast Guard Auxiliary and Reserve Act of 1941, as amended, the foregoing provision governing benefits payable for disability or death to members of the Women's Reserve of the Coast Guard and their dependents was removed. The benefits for disability or death now payable to members of the Women's

Reserve of the Coast Guard and their dependents are the same as those provided by Public Law 775, Seventy-sixth Congress, approved August 27, 1940, as amended, for members of the Naval Reserve who suffer sickness, disease, disability, or death under similar conditions. These benefits are shown above under the heading "Women's Reserve of the Navy and Marine Corps." (Public Law 773, 77th Cong., approved November 23, 1942; sec. 211, title II, act of February 19, 1941; Public Law 775, 76th Cong., approved August 27, 1940; Public Law 16, 77th Cong., approved March 17, 1941; Public Law 737, 77th Cong., approved October 10, 1942.)

Members of the Women's Reserve of the Coast Guard ordered to active duty in the land or naval forces of the United States for a period in excess of 30 days are eligible for national service life insurance (Public Law 801, 76th Cong., approved October 8, 1940, as amended), for the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 (Public Law 861, 76th Cong., approved October 17, 1940), as amended and of the Servicemen's Readjustment Act of 1944. (Public Law 346, 78th Cong., June 22, 1944.) Vocational rehabilitation by the Veterans' Administration under Public Law 16, Seventy-eighth Congress, approved March 24, 1943, or education or training under the Servicemen's Readjustment Act of 1944 is available to members of the Women's Reserve of the Coast Guard, otherwise eligible, on a parity with other World War II veterans and those who do not meet the requirements thereof, may be eligible for vocational rehabilitation under an approved State plan for the vocational rehabilitation of war disabled civilians or other disabled individuals under Public Law 113, Seventy-eighth Congress, approved July 6, 1943.

The dependents of enlisted members of the Women's Reserve of the Coast Guard were made eligible for family allowances under the Servicemen's Dependents Allowance Act of 1942, as amended, subject to the limitations contained in section 121, as added by Public Law 174, Seventy-eighth Congress, approved October 26, 1943, which provides that the husband and children of an enlisted female shall be included as dependents only when found by the Secretary of the department concerned to be dependent upon her for chief support. The amount which would be payable in such cases is the amount prescribed by law for a wife or wife and children. However, it is further provided that the foregoing provisions shall be applicable to dependents of any enlisted female only insofar as such provisions are not inconsistent with the provisions of any law pertaining to the service of which she is a member. Since section 506 of the Naval Reserve Act of 1938, as amended by Public Law 183, Seventy-eighth Congress, November 8, 1943, provides that husbands of members of the Women's Reserve of the Coast Guard shall not be considered dependents, no family allowance is payable to the husband of a member of the Women's Reserve of the Coast Guard. Public Law 183, Seventy-eighth Congress, November 8, 1943, provides further that children of members of the Women's Reserve of the Coast Guard shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for chief support. (Public Law 625, 77th Cong., approved June 23, 1942; Public Law 705, 77th Cong., approved August 20, 1942; Public Law 174, 78th Cong., approved October 26, 1943; Public Law 183, 78th Cong., approved November 8, 1943.)

**ARMY NURSE CORPS, FEMALE DIETETIC AND PHYSICAL-THERAPY PERSONNEL OF THE MEDICAL DEPARTMENT OF THE ARMY**

Members of the Army Nurse Corps, and female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices) appointed under the provisions of the act of December 22, 1942 (Public Law 828, 77th Cong.), who are on active duty on date of enactment of this act may be appointed by the President as temporary officers in the Army of the United States under the provisions of joint resolution of September 22, 1941 (54 Stat. 213), as amended, in commissioned grades corresponding to the relative rank held by such personnel on the effective date of the order of appointment, through means of a blanket order. Unless any such person expressly declines the appointment she is deemed to have accepted her appointment as an officer in the Army of the United States upon the effective date of such blanket order. Female persons having the necessary qualifications for appointment in the Army Nurse Corps and female persons having the necessary qualifications for appointments as female dietetic or physical therapy personnel in the Medical Department under the act of December 22, 1942, may be appointed as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941, as amended, in the grades therein prescribed and assigned to the Army Nurse Corps or Medical Department of the Army. All persons so appointed and assigned as officers in the Army of the United States under this act, and their dependents and beneficiaries will have all the rights, privileges, and benefits accorded in like cases to other persons appointed under the joint resolution of September 22, 1941, amended (see those set forth above for officers of the Women's Army Corps), except as otherwise expressly provided in this or any subsequent act.

The specific provision relating to retirement benefits is set forth under the heading "Retirement pay" for members of the Army Nurse Corps. (Public Law 350, 78th Cong., June 22, 1944.)

**PROTECTION OF RIGHTS IN CERTAIN CIVIL PROCEEDINGS****GENERAL**

The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, provides for the temporary suspension, during the present war and for 6 months thereafter, of legal proceedings and transactions which may prejudice the civil rights of persons in active service arising in connection with obligations or liabilities pertaining to rent, installment contracts, mortgages, insurance, taxes, homestead rights, etc. The protection provided by this law is not automatic and does not prevent the bringing of an action against such persons in active service, but operates to stay, postpone or suspend enforcement of the obligation or liability against such persons.

The primary purpose of this act is to relieve members of the military service from worry over their inability to liquidate their civil liabilities by reason of reduced income because of their military service. The act does not relieve a soldier from his obligations, or impose a moratorium thereon. However, in the event of legal action

based upon a soldier's breach of an obligation, or in the event he is unable to pay insurance premiums on commercial insurance, to pay taxes, or to perform obligations with reference to rights and claims to lands of the United States, certain relief may be afforded him by the act, which particularly in the case of legal proceedings, is within the discretion of the court and dependent upon whether the ability of the soldier to perform his obligations, or conduct his defense, is materially affected by reason of his military service. Furthermore, during his period of military service, or within 6 months thereafter, the soldier may affirmatively apply to a court for relief with respect to obligations incurred prior to military service, or with respect to any tax or assessment, whether falling due prior to or during his period of military service. The court may, under certain conditions, stay the enforcement of such obligations. The following paragraphs discuss some of the more important provisions of the act.

#### COURT PROCEEDINGS

In the event of default of appearance by a soldier who is a defendant in a court action, the court is required to appoint an attorney to represent the soldier and protect his interests. Likewise, if a judgment is rendered against a soldier and it appears that he was prejudiced by reason of his military service in making his defense thereto, he may be given an opportunity to reopen the case and present his defense, if meritorious, at any time within 90 days after his discharge from the service. Also, upon certain conditions, the court may in its discretion stay or postpone court proceedings, judgments, attachments, and garnishments, when the ability of the soldier to perform the obligation, judgment, or order, or to prosecute, or to defend an action, is materially affected by reason of his military service.

#### SURETIES, GUARANTORS, ACCOMMODATION MAKERS, ETC.

Whenever a soldier is granted relief from the enforcement of an obligation, the court, in its discretion, may grant the same relief to sureties, guarantors, endorsers, accommodation makers, or others, whether primarily or secondarily liable.

#### INTEREST ON OBLIGATIONS

Interest on the obligations of a soldier incurred prior to military service may not, after October 6, 1942, exceed 6 percent per annum unless the court determines, upon application by the creditor, that the ability of the soldier to pay a greater rate of interest has not been affected by his military service.

#### EVICITION FOR NONPAYMENT OF RENT

☐ The dependents of a soldier may not be evicted from their dwelling if the rental is \$80, or less, per month, except upon leave of a court. If, in the opinion of the court, the ability of the tenant to pay the agreed rent is materially affected by reason of military service, the court may stay the eviction proceedings for not longer than 3 months. The Secretary of War is authorized to order an allotment of the soldier's pay to pay the rent for the soldier's dependents.

#### CONTRACT OBLIGATIONS

Contracts for the purchase of real and personal property, and obligations secured by mortgages upon such property, which originated prior to the period of military service, may not be rescinded, terminated, or foreclosed, or the property repossessed or sold, except by written agreement as provided in the act, unless by order of a court. The court has wide discretionary powers to make such disposition of the particular case as may be equitable in order to conserve the interests of the soldier and his creditor. The court may stay the proceedings for the period of military service and 3 months thereafter, if in its opinion the ability of the soldier to perform the obligations is materially affected by reason of his military service.

#### LEASES

Leases covering premises occupied for dwelling, business, or agricultural purposes executed by persons who subsequently enter the military service may be terminated by notice in writing given to the lessor, subject to such action as may be taken by a court on application by the lessor.

#### INSURANCE

The Veterans' Administration guarantees the payment of premiums of life-insurance policies, including fraternal life insurance benefits for a total amount of insurance not exceeding \$10,000, carried by persons in the military or naval service of the United States with private insurance companies.

#### TAXES

The collector of taxes must apply to a court for permission to sell the real or personal property of a soldier in order to enforce the collection of past-due taxes or assessments, whether general or special (other than taxes on income) and whether falling due to or during the period of military service. Thereupon, the court may postpone the sale for a period not more than 6 months after the termination of his military service. When by law the property may be sold to meet the past-due taxes, the soldier will have the right to redeem the property within 6 months after the termination of his military service. Payment of income taxes may be deferred for not longer than 6 months after the termination of military service, without interest or penalty, when the soldier is unable to pay such taxes by reason of his military service. In the case of a Federal income tax, inquiry concerning deferment of the collection should be made to the collector of internal revenue with whom the income tax-return has been filed, and in the case of all other income taxes, to the appropriate State or local authority.

#### RESIDENCE OR DOMICILE FOR THE PURPOSE OF TAXATION

The act provides that any person in military service shall not be deemed to have lost a residence or domicile in any State solely by reason of being absent therefrom in compliance with military or naval orders, or to have acquired a residence or domicile in any other State while, or solely by reason of being, so absent, and that compensation for military service shall not be deemed income for the purposes of income taxation by any State or other governmental subdi-



vision of which such person is not a resident or in which he is not domiciled.

#### RIGHTS AND CLAIMS TO LANDS OF THE UNITED STATES

Soldiers who had acquired or initiated rights to public lands of the United States, such as homestead entry, desert-land entry, mining claims, mineral leases, grazing rights, irrigation rights, etc., prior to entering the military service, are given certain benefits under the act. In order to obtain the benefits afforded, the necessary action must be initiated by the soldier. Copies of the regulations and forms for applications and notices can be obtained from the commanding general of the appropriate service command or upon request made to the Secretary of the Interior, Washington, D. C. (Public Law 861 76th Cong., approved October 17, 1940, as amended by sec. 19, Public Law 554, 77th Cong., approved May 14, 1942, and Public Law 732 77th Cong., approved October 6, 1942.)

#### NATIONAL SERVICE LIFE INSURANCE

Members of the active military or naval services may at any time while in such service file application for national service life insurance, which is administered by the Veterans' Administration. If application is filed within 120 days after enlistment or enrollment, no medical examination is required, otherwise satisfactory evidence of good health must be furnished. (Sec. 602 (a), Public Law 801, 76th Cong., approved October 8, 1940) Persons in active service, who failed to file application within 120 days after date of their enlistment or enrollment, under Public Law 36, Seventy-eighth Congress, approved April 12, 1943, were permitted to obtain such insurance without medical examination, upon payment of premiums, by filing application therefor within 120 days after date of enactment of this law, or by August 10, 1943.

Aviation Cadets, Air Corps, Regular Army, prior to suspension of enlistments or appointments in this branch of the service were issued \$10,000 Government life insurance on which premiums are payable by the Government until commissioned as second lieutenants, Air Corps Reserve. (Public Law 97, 77th Cong., approved June 3, 1941.)

Enlisted men of the Regular Army and of other components of the Army of the United States detailed to schools for training and instruction as aviation students and who are undergoing instruction which require them to participate regularly and frequently in aerial flights are issued Government life insurance in the amount of \$10,000 under the National Service Life Insurance Act of 1940, and during the period they are undergoing training and instruction premiums on such insurance are paid by the Government. Upon completion of training and instruction as aviation students, they have the option of continuing such policies at their own expense. (Public Law 99, 77th Cong., approved June 3, 1941.)

Cadets at the United States Military Academy while undergoing flight training involving participation in regular and frequent aerial flights are issued United States Government life insurance in the amount of \$10,000, premiums on which are paid by the Government. Upon completion of the prescribed training as aviation students and

until permanently relieved from duty involving participation in regular and frequent aerial flights, the insurance is continued but premiums are deducted from the pay of the individual concerned. Upon being permanently relieved from duty involving participation in regular and frequent aerial flights the insurance may be continued at the option and expense of the individual concerned. (Public Law 571, 77th Cong., approved June 5, 1942.)

Aviation cadets in the Army of the United States while undergoing courses of instruction which require them to participate regularly and frequently in aerial flights are issued insurance in the amount of \$10,000 under the National Service Life Insurance Act of 1940, as amended, except that premiums are paid by the Government. Upon being commissioned as second lieutenants or appointed as flight officers and until permanently relieved from duty involving participation in regular and frequent aerial flights, aviation students and aviation cadets are required to continue such insurance, the premiums being deducted from the pay of the individual. Upon being permanently relieved from duty involving participation in regular and frequent aerial flights, release from active duty, or discharge, such insurance may be continued at the option and expense of the individual concerned. (Public Law 658, 77th Cong., approved July 8, 1942.)

Enlisted personnel of the Naval Reserve and Marine Corps Reserve (including Coast Guard Reserve), while on active duty undergoing training leading to designation as aviation pilot and thereafter while on continuous active duty in an enlisted status with designation as aviation pilot, are issued Government life insurance in the amount of \$10,000 under the National Service Life Insurance Act of 1940, premiums on which are payable from current appropriations. Upon release from active duty, or discharge, such enlisted personnel, or upon being commissioned as ensigns in the Naval Reserve or as second lieutenants in the Marine Corps Reserve, such commissioned officers have the option of continuing the insurance at their own expense. (Public Law 289, 77th Cong., approved November 5, 1941.)

Men who enlist as aviation cadets, or who are transferred to the grade of aviation cadet in the Naval Reserve or Marine Corps Reserve are issued Government life insurance in the amount of \$10,000 effective from the date of reporting for active duty and premiums on such insurance during the period of their active duty are paid from current appropriations. Upon discharge, release from active duty, or other termination of aviation cadet status, such insurance may be continued at the option and expense of the individual concerned. When aviation cadets are commissioned as ensigns in the Naval Reserve or as second lieutenants in the Marine Corps Reserve such insurance will be continued but premiums will be deducted from the pay of the officers so insured. When such commissioned officers are released from active duty or discharged the insurance may be continued at the option and expense of the individual concerned. (Public Law 698, 77th Cong., approved August 4, 1942.)

Any person in active service who on or after December 7, 1941, and prior to April 20, 1942, was captured, besieged, or otherwise isolated by the forces of an enemy of the United States for a period of at least 30 consecutive days and extending beyond April 19, 1942, and at the time of such capture, siege, or isolation by the enemy did

not have in force insurance in the aggregate amount of at least \$5,000 under the War Risk Insurance Act, as amended, the World War Veterans' Act, as amended, or the National Service Life Insurance Act of 1940, as amended, shall be deemed to have applied for and to have been granted, effective as of the date of such capture, siege, or isolation, national service life insurance in an amount which, together with any such insurance then in force shall aggregate \$5,000 of insurance, and such insurance shall remain in force and premiums on such insurance shall be waived during the period while such person remains so captured, besieged, or isolated and for 6 months thereafter. At the end of such 6 months' period, such insurance protection shall cease and terminate unless within such period the person makes application in writing for the continuance of all or any part of such insurance and submits evidence satisfactory to the Administrator of Veterans' Affairs of entitlement to waiver of premiums under section 602 (n) of the National Service Life Insurance Act of 1940, as amended, hereinafter discussed, or tenders premiums thereafter becoming due. (Sec. 1, Public Law 667, 77th Cong., approved July 11, 1942.)

Gratuitous insurance sufficient to aggregate \$5,000 was also granted to any person in the active service who on or after October 8, 1940, and prior to April 20, 1942, became totally disabled as a result of injury or disease incurred in line of duty and such disability continued without interruption for 6 months, without having in force at the time of incurrence of such disability at least \$5,000 insurance issued under the War Risk Insurance Act, as amended, the World War Veterans' Act, as amended, or the National Service Life Insurance Act of 1940, as amended, on which premiums were waived until 6 months after the insured ceased to be totally disabled or until April 20, 1943, whichever was earlier. The insurance protection then ceased unless within such period the disabled person made application in writing for continuance of all or any part of such insurance and submitted evidence satisfactory to the Administrator of Veterans' Affairs of entitlement to waiver of premiums under the provisions of section 602 (n) of the National Service Life Insurance Act of 1940, as amended, or tendered premiums thereafter due. This provision has expired except as to persons shown by evidence satisfactory to the Administrator of Veterans' Affairs to have been mentally or legally incompetent at the time the right to apply for continuance of insurance benefits expired, who may make application at any time within 1 year after removal of such disability. (Sec. 1, Public Law 667, 77th Cong., approved July 11, 1942.)

Any person in active service on or after October 8, 1940, who while in such service and before April 20, 1942, died in line of duty or from disease or injury incurred in line of duty without having in force at the time of his death insurance under the War Risk Insurance Act, as amended, the World War Veterans' Act, as amended, or the National Service Life Insurance Act of 1940, as amended, in an aggregate amount of at least \$5,000 shall be deemed to have applied for and to have been granted insurance as of the date of entry into active service or October 8, 1940 whichever is later; and if any such person was serving as a flying cadet or aviation student, Navy or Army, between October 8, 1940 and June 3, 1941 and died as a result of an aviation accident incurred in line of duty while in such active service, he shall be deemed to have applied for and to have been granted an aggregate

amount of insurance of not less than \$10,000. (Sec. 10, Public Law 360, 77th Cong., approved December 20, 1941, as amended by Public Law 749, 77th Cong., approved October 17, 1942.)

If any person deemed to have been issued insurance under the circumstances referred to in the three preceding paragraphs, dies without filing application and within the time limited therefor, death insurance benefits are payable only to the widow or widower of the insured, if living and while unmarried, and if there is no widow or widower entitled thereto, to the child or children of the insured (including an adopted child), if living, in equal shares, and if no widow or widower entitled thereto, or child, to the dependent mother or father of the insured who last bore that relationship to him, if living, in equal shares. The terms "father" and "mother" include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than 1 year. (Sec. 10, Public Law 360, 77th Cong., approved December 20, 1941; secs. 2, 7, Public Law 667, 77th Cong., approved July 11, 1942; sec. 601 (e), Public Law 801, 76th Cong., approved October 8, 1940.)

Upon the death of any person deemed to have been issued insurance, because of becoming totally disabled, or being captured, besieged, or otherwise isolated, by the forces of an enemy of the United States, or because his death occurred before application could be filed within the time limit therefor, death insurance benefits are payable in the manner and to the person or persons in the order named as stated in the preceding paragraph. However, no application for such insurance payments will be valid unless filed in the Veterans' Administration within 1 year after the date of the death of the insured, or by July 11, 1943, whichever is the later date, and relationship and dependency of the applicant, where required as a basis for such claim, must be proved, as of date of death of the insured, by evidence satisfactory to the Administrator. As to persons shown by evidence satisfactory to the Administrator to have been mentally or legally incompetent at the time the right to apply for continuation of insurance, or for death benefits expired, the law provides that such application may be filed at any time within 1 year after removal of such disability. (Sec. 2, Public Law 667, 77th Cong., approved July 11, 1942.)

#### BENEFICIARIES

The permitted classes of beneficiaries for national service life insurance, other than insurance issued under the above circumstances, are a wife, husband, child (including an adopted child, a stepchild, or an illegitimate child if designated as beneficiary by the insured), parent (including a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than 1 year), or brother or sister of the insured including those of the half blood. The insured is given the right to designate the beneficiary or beneficiaries, but only those persons within the classes just named. A beneficiary designation may be made by notice in writing to the Veterans' Administration signed by the insured or by last will and testament duly probated. It need

not be made in the application for insurance but may be made at a later date. If the beneficiary eligible to take payments is under 30 years of age at the time the insurance is matured by reason of death, payment will be made in 240 equal monthly installments in the amount of \$5.51 for each \$1,000 insurance. Where the beneficiary is 30 years of age or over, when the contract matures, payments are made at the rate of from \$3.97 per \$1,000 at the age of 30, to \$9.61 per \$1,000 at age 85, in equal monthly installments of 120 months certain, with such payments continuing during the remaining lifetime of such beneficiary.

Any installments certain of insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons, then in being, within the classes hereinafter specified, and in the order named, unless designated by the insured in a different order—to the widow or widower, of the insured, if living; if no widow or widower, to the child or children of the insured, if living, in equal shares; if no widow, widower, or child, to the parent or parents of the insured who last bore that relationship, if living, in equal shares; if no widow, widower, child, or parent who last bore that relationship to the insured, to the brothers and sisters (including those of the half blood) of the insured, if living, in equal shares.

If no beneficiary is designated by the insured, or if the designated beneficiary does not survive the insured, the beneficiary shall be determined in accordance with the order stated in the preceding paragraph, and payable as above stated depending upon the age of the person first to receive such insurance.

The right of any beneficiary to payment of any installments is conditioned upon his or her being alive to receive such payments. The law provides that no person shall have a vested right to any installment, or installments, of any such insurance and that any installments (certain) not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class, next entitled to priority. No installments of such insurance may be paid to the heirs or legal representatives as such of the insured or of any beneficiary and if no person within the permitted class survives to receive the insurance, or any part thereof, no payment of unpaid installments may be made. (Secs. 601, 602 (g) (h) (i) (j), Public Law 801, 76th Cong., approved Oct. 8, 1940, as amended, by secs. 7, 8, 9, Public Law 667, 77th Cong., approved July 11, 1942.)

#### BENEFICIARY MUST PROVE AGE

The amount of the monthly installment for each \$1,000 of insurance is determined by the age of the beneficiary as of last birthday at the date of the death of the insured, said age being determined at the last birthday prior to date of death of the insured in accordance with the following schedule based upon the American Experience Table of Mortality with interest at the rate of 3 percent per annum.

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 of insurance	Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 of insurance	Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 of insurance
30	\$3 97	49	\$5 28	68	\$8. 19
31	4 01	50	5 39	69	8 35
32	4 06	51	5 51	70	8. 51
33	4 10	52	5 63	71	8 66
34	4 15	53	5 76	72	8 80
35	4 20	54	5 90	73	8 94
36	4 26	55	6 03	74	9 06
37	4 31	56	6 18	75	9 18
38	4 37	57	6 33	76	9 28
39	4. 43	58	6. 49	77	9 37
40	4 50	59	6 65	78	9 44
41	4 57	60	6 81	79	9 50
42	4. 64	61	6 98	80	9 55
43	4 72	62	7 15	81	9 58
44	4 80	63	7 32	82	9 60
45	4 89	64	7 50	83	9 61
46	4 98	65	7 67	84	9. 61
47	5 08	66	7 84	85	9 61
48	5. 18	67	8 02		

## HEALTH OF BENEFICIARY

It is important to consider the health and age of the beneficiary to be designated. As payments to a beneficiary over 30 years of age will continue only throughout the life of such beneficiary after payment of 120 installments (10 years), care should be taken to select a beneficiary in good health and who has an expectancy of life of 20 or more years. If the designated beneficiary's health becomes impaired another beneficiary should be designated if possible and practicable.

## CHANGE OF BENEFICIARY

The insured under a national service life insurance policy has the right, at any time, and from time to time, and without the consent or knowledge of the beneficiary, to cancel the beneficiary designation, or to change the beneficiary (within the permitted class). A change of beneficiary to be effective must be made by written notice, signed by the insured, and forwarded to the Veterans' Administration, and must contain sufficient information to identify the insured. (The Veterans' Administration has prepared blanks for this purpose.) A valid designation or change of beneficiary, received by the Veterans' Administration, is effective as of the date of execution. However, any payment made before proper notice of designation or change of beneficiary has been received in the Veterans' Administration shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments.

## TYPES AND AMOUNT OF INSURANCE

National service life insurance is issued originally on the 5-year level premium term plan with the privilege of conversion to or exchange for insurance of the same amount on the ordinary life, 20-payment life, or 30-payment life plan, at any time after the 5-year level premium term policy has been in force for 1 year and within the

5-year term period, upon payment of the current monthly premium at the attained age of the insured for the plan of insurance selected, and the reserve, if any, will be allowed as a credit on the current monthly premium; or, if made effective as of a date prior to the current month, upon payment of the difference in the reserve of the new policy and the reserve on the old policy. Such exchange will be made without medical examination and upon complete surrender of the policy while in force on a premium-paying basis.

National service life insurance on any plan other than 5-year level premium term may be changed to insurance of the same amount as to the same date and based on the same age on any plan of national service life insurance at a higher premium rate upon payment of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will also be made without medical examination and upon complete surrender of the policy while in force on a premium paying basis. National service life insurance may be exchanged within 5 years from the effective date for insurance of the same amount bearing the same date and based on the same age to any plan of national service life insurance at a lower rate of premium except the 5-year level premium term plan provided the insured is in good health at time of application and furnishes satisfactory evidence thereof to the Administrator of Veterans' Affairs. The old policy must be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve of the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or be withdrawn in cash at the option of the insured. If the old policy has been in force less than 12 months the difference in reserve may be used only for payment of future premiums.

The 5-year level premium term policy provides for a level premium rate for a period of 60 months (5 years) at the expiration of which 5-year term period, the insurance ceases and terminates unless exchanged for another policy on or before the expiration date.

The ordinary life policy provides the maximum amount of permanent protection for the minimum level premium payment, which is payable throughout the lifetime of the insured.

The 20-payment-life policy provides that premiums shall be payable for 20 years. At the end of this period premium payments cease and the insurance becomes paid up for the remainder of the insured's life for the face amount of the policy.

The 30-payment-life policy provides that premiums shall be payable for 30 years. At the end of this period, premium payments cease and the insurance becomes paid up for the remainder of the insured's life for the face amount of the policy.

#### GUARANTEED VALUES

All forms of national service life insurance participate in dividends, which may be paid in cash or allowed to remain on deposit to accumulate at interest. At the end of the first policy year, national service life insurance policies on any plan other than the 5-year level premium term plan have cash, loan, paid-up, and extended insurance values.

## APPLICATIONS FOR NATIONAL SERVICE LIFE INSURANCE

Persons in active service in the land or naval forces (including the Coast Guard) of the United States, on October 8, 1940, and persons entering such service after that date, including those selected for training in the land or naval forces of the United States under the Selective Training and Service Act of 1940 under orders to active duty for a period of not less than 31 days, upon written application and payment of premiums while in active service will be granted national service life insurance on the 5-year level premium term plan for not more than \$10,000 or less than \$1,000 in multiples of \$500. No person may carry at any one time a combined amount of insurance in excess of \$10,000 under the War Risk Insurance Act, as amended, the World War Veterans' Act, as amended, and the National Service Life Insurance Act of 1940, as amended.

Application for national service life insurance should be made on the following forms prescribed by the Veterans' Administration: Veterans' Administration Insurance Form No. 350, Application for National Service Life Insurance, which is used where a physical examination is not required, or Veterans' Administration Form No. 350a, Application for National Service Life Insurance, which includes report of physical examination. Any statement in writing, however, which, in substance, meets the requirements of regulations issued pursuant to the National Service Life Insurance Act of 1940, as amended, accompanied by a remittance or proper authorization for deduction from active-service pay sufficient to cover the first monthly premium on the amount of insurance applied for will be considered an application. Under Public Law 451, Seventy-seventh Congress, approved February 11, 1942, an amount equal to the first premium due may be advanced from current appropriations for active service pay to any person in active service. The amount so advanced will constitute a lien upon any service or other pay accruing to such person if not otherwise paid and any amount advanced in excess of available service or other pay will constitute a lien on the policy.

Where a report of physical or mental examination is required of an applicant for national service life insurance, such examination may be made by a medical officer of the United States Army, Navy, or Public Health Service, or may be made free of charge to him by a full-time or part-time salaried physician at any Veterans' Administration facility or regional office. Such examinations may also be made at the applicant's own expense, by a physician designated by the Veterans' Administration to make such examination, if preferred by the applicant. The Administrator of Veterans' Affairs may require such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application. Necessary transportation expenses incident to physical or mental examinations for insurance purposes at regional offices, or facilities of the Veterans' Administration, will be furnished only when the insured is ordered to report for examination at the specific request of the Director of Insurance or the manager of the regional office or facility. The names and addresses of designated medical examiners for a given locality in the United States will be furnished upon request addressed to the Director of Insurance, Veterans' Administration, Washington, D. C.



#### PREMIUMS

The policy will be issued at the premium rate for the age of the applicant on his birthday anniversary nearest the effective date of the policy. The premium rate is the net rate based on the American Experience Table of Mortality and the assumption that the funds will be invested and interest will be earned at the rate of 3 percent per annum. It is a guaranteed level premium, computed for payment on a monthly basis, but may be paid monthly, quarterly, semiannually, or annually. The method of paying premiums may be changed at any time, and from time to time, on notice in writing to the Veterans' Administration. If the premium is paid on other than a monthly basis, a discount at the rate of 3 percent per annum is allowed on the monthly premiums paid in advance. In event of maturity by death, the discount value at 3 percent per annum of the premiums paid in advance beyond the current month shall be paid to the beneficiary. Premiums paid by deduction from service pay, as in the Army, or by allotment from service pay, as in the Navy, Marine Corps, and the Coast Guard, may be paid only on a monthly basis and the deduction from the pay of any one month is for the premium due, and payable in the next succeeding month.

Premiums are due and payable monthly in advance in legal tender of the United States of America to the Treasurer of the United States in the city of Washington, D. C. Remittances, other than by cash, should be made payable to the Treasurer of the United States and, if tendered in the form of a check or draft, are accepted provided such check or draft is honored on presentation for payment.

#### GRACE PERIOD

The insured has 31 days from and after the due date of each premium, other than the first premium payable on the policy, as a grace period in which to pay any premium due, during which period the policy remains in full force. No premium interest is charged if the premium is paid during this grace period. If the premium is not paid, however, and the policy shall mature within the grace period, the unpaid monthly premium shall be deducted from the first installment of the insurance payable.

The grace period for the payment of any premium shall be computed so as to include 31 days from and after the date on which the premium was due, but if the last day of the grace period falls on a Sunday or a legal holiday, the premium will be accepted and a regular receipt issued therefor, if tendered on the next following business day. The post-mark date will govern the date on which the premium was tendered by mail. The monthly premium when paid within the grace period shall be deemed to carry such insurance in force for the month for which the premium was due. If a premium is not paid prior to the expiration of the grace period, the effective date of the lapse of the insurance shall be the due date of the premium in default.

#### WAIVER OF PREMIUMS DURING CONTINUOUS TOTAL DISABILITY

Upon written application by the insured, payment of premiums may be waived during continuous total disability which continues or has continued for 6 or more consecutive months provided such disability commenced (1) subsequent to date of application for insurance, (2) while the insurance was in force under premium paying conditions,

and (3) prior to the insured's sixtieth birthday. The insured will be required to furnish proof satisfactory to the Administrator of Veterans' Affairs showing continuous total disability for at least 6 consecutive months and may be denied benefits for failure to cooperate.

The waiver of premiums may be made effective as of the date such 6 months' continuous total disability commenced, and will not ordinarily be effective as to any premium which became due more than 1 year prior to receipt in the Veterans' Administration of application for waiver of premiums. However, the Administrator of Veterans' Affairs may grant waiver of premiums more than 1 year prior to date of application, therefor, in any case in which he finds that failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the control of the insured. Premiums tendered to cover a period during which the waiver is effective will be refunded.

The face amount of the policy shall not be decreased by reason of any premiums having been waived, nor will such premiums be deducted in any settlement of the policy. The values in the table of guaranteed values in the policy shall increase in the same manner as if the waived premiums had been duly paid.

#### DISCONTINUANCE OF PREMIUM WAIVER

The Administrator of Veterans' Affairs may require proof of total disability at any time when he may deem the same necessary, and in the event it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding, and the insurance may be continued by payment of premiums, the due date of the first premium after the waiver has terminated being the next regular monthly due date of the premium under the policy.

If the insured shall fail to furnish evidence satisfactory to the Administrator of Veterans' Affairs of the continuance of such total disability, or if he should fail to cooperate with the Administrator in the matter of reexaminations or otherwise for the purpose of determining whether total disability has continued, the premium waiver shall cease.

#### PHYSICAL EXAMINATION IN CONNECTION WITH PREMIUM WAIVER

Physical examination in connection with premium waiver may be made by a medical officer of the United States Army, Navy, or Public Health Service or may be made at Government expense by a full-time or part-time salaried physician at a Veterans' Administration facility or regional office. The Veterans' Administration will not furnish transportation expenses incident to physical or mental examinations of applicants for premium waiver, except when the insured is ordered to report for examination at the specific request of the Director of Insurance or the manager of a Veterans' Administration facility or regional office. If an insured is unable to travel, because of physical or mental condition, the manager of a Veterans' Administration facility or regional office may, on his own initiative or at the request of central office, authorize at Government expense examination at the residence of the insured. The Administrator of Veterans' Affairs may require such further medical examination or such additional evidence

as may be deemed necessary and proper to establish the physical and mental condition of the insured.

#### DEFINITION OF TOTAL DISABILITY

Total disability as referred to in the national service life insurance policy is any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation.

#### LAPSE OF INSURANCE

If any premium be not paid when due, or within the grace period, the national service life insurance policy shall cease and become void, except as otherwise provided in the policy.

(A) *Lapse while insured is in the active military or naval service.*—National service life insurance will lapse and terminate while the insured is in the active service of the land or naval forces of the United States—

(1) When the insured fails to elect a method of payment at the time of applying for the insurance, or at any time elects to pay premiums on said insurance otherwise than by deduction or by allotment of pay and such premiums are not paid when due or before the expiration of the grace period.

(2) When the insured has not sufficient pay accruing before the expiration of the grace period from which such allotment or deduction may be withheld and such premium is not otherwise paid before the expiration of the grace period.

(3) When the insured shall forward, through military channels, a written request over his own signature for the cancellation of allotment or authorization for deduction of premiums, and the premium is not otherwise paid before the expiration of the grace period.

(4) When the insured shall request over his own signature the cancellation of his insurance in whole or in part.

(5) When the insured collects his active service pay with actual or presumptive knowledge that deduction of premiums has not been made, acquiesces in such failure to deduct premiums, and makes no provision for otherwise paying said premiums before the expiration of the grace period.

(B) *Lapse at termination of allotment, etc.*—When the insured under a national service life insurance policy shall provide for payment of premiums by allotment of pay as in the Navy, Marine Corps, or Coast Guard service, or by deduction from pay as in the Army, any previously authorized method of payment of premiums shall be deemed to be revoked. The insurance will lapse at the expiration of an allotment or authorization for deduction, or at time of discharge or resignation, unless the premium is paid prior to the expiration of the grace period.

(C) *Nonlapse while insured is in the active military or naval service.*—

(1) National service life insurance will not lapse while the insured is in the active service in the land or naval forces of the United States if premiums for such insurance have been authorized to be deducted from the insured's active service pay as in the Army, or if the insured has executed an allotment of active service pay as in the Navy or Marine Corps or Coast Guard, provided the insured, before the

expiration of the grace period, has sufficient pay accrued from which such allotment or deduction may be withheld, except as otherwise provided in the preceding subparagraph.

(2) Any person in active service officially reported as missing, missing in action, interned in a neutral country, or captured by an enemy and whose pay and allowances have been continued under Public Law 490, Seventy-seventh Congress, March 7, 1942, as amended, and who has made an allotment of pay for the payment of insurance premiums, is entitled to have any such allotment previously made for insurance premiums continued for a period of 12 months from date of commencement of absence even though the period for which the allotment was executed may have expired. In the absence of such an allotment or if the previously executed allotment for payment of premiums is not sufficient the head of the service department may direct that allotments not exceeding the amount of pay and allowances the absent person would be entitled to allot under regulations of the service department shall be paid to the insurer for a period of 12 months following the officially reported date of commencement of absence, or, if he is reported to be alive and in the hands of an enemy or in a neutral country until receipt by head of the department of evidence of his death or until he has returned to the controllable jurisdiction of the department concerned. (Public Law 490, 77th Cong., approved March 7, 1942, as amended by Public Law 848, 77th Cong., approved December 24, 1942.)

**DEDUCTIONS OF INSURANCE PREMIUMS FROM DISABILITY COMPENSATION,  
EMERGENCY OFFICERS' RETIREMENT PAY, OR PENSION**

The insured under a national service life insurance policy may also authorize the monthly deduction of premiums from disability compensation, emergency officers' retirement pay or pension that may be due and payable to him under any laws administered by the Veterans' Administration provided the monthly disability compensation, retirement pay or pension so due and payable is equal to or in excess of the amount of the insurance premium computed on a monthly basis. The authorization must be in writing over the signature of the insured and will be made effective the month next following receipt thereof by the Veterans' Administration unless the insured elects to have the authorization become effective on the first day of a succeeding month. The authorization may be canceled by the insured at any time upon written notice to the Veterans' Administration which will be effective the first day of the month following receipt thereof by the Veterans' Administration. If the benefits payable by the Veterans' Administration are apportioned, the deductions will be made only from that portion awarded to the insured. Such deductions will be continued so long as the disability compensation, emergency officers' retirement pay, or pension due and payable is sufficient to pay the monthly insurance premium due unless the authorization is sooner canceled or otherwise terminated. Deductions of insurance premiums cease and the authorization terminates if the disability compensation, emergency officers' retirement pay, or pension becomes insufficient to provide the premium or is no longer due and payable and the insurance will lapse after termination or cancellation of the authorization unless otherwise paid.

## REINSTATEMENT OF INSURANCE

National service life insurance which has not been surrendered for a cash value or for paid-up insurance may be reinstated at any time after lapse upon written application therefor signed by the applicant and upon payment of all premiums in arrears, with interest from their several due dates at the rate of 5 percent per annum, compounded annually, provided such applicant is in good health and shall submit such evidence of the condition of his health at the time of application and tender of premiums as may be satisfactory to the Administrator of Veterans' Affairs: *Provided*, That application for reinstatement of a 5-year level premium term policy, accompanied by evidence of good health and tender of premiums with interest, must be submitted prior to the date of expiration of the 5-year-term period: *And provided further*, That the payment or reinstatement of any indebtedness against any insurance policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the insurance policy.

## EVIDENCE OF GOOD HEALTH INCIDENT TO REINSTATEMENT

The applicant for reinstatement of a national service life insurance policy must furnish evidence of good health at the time of application therefor satisfactory to the Administrator of Veterans' Affairs upon such forms as the Administrator shall prescribe or otherwise as he shall require. National service life insurance may be reinstated if application and tender of premiums are made:

(A) While the insured is in the active service provided the applicant is in as good health on the date of application and tender of premiums as he was when the insurance lapsed and furnishes evidence thereof satisfactory to the Administrator of Veterans' Affairs. If application and tender of premiums are made within 6 months after date of separation from active service or on or before August 31, 1944, insurance may be reinstated subject to the same conditions prescribed for reinstatement by those in active service. The applicant's own statements may be accepted as proof of good health for the purpose of reinstatement under the foregoing provision or a report of a physical examination may be required. Under certain circumstances an additional reasonable period not exceeding 60 days may be granted for payment of premiums due without the requirement of a comparative health statement, but the premiums in any such case must be paid during the lifetime of the insured. Reinstatement under the foregoing conditions are restricted to applications submitted not more than 6 months after termination of the present war.

(B) After expiration of the period mentioned in paragraph (A) hereof, provided applicant is in good health on the date of application and tender of premiums and furnishes evidence thereof satisfactory to the Administrator of Veterans' Affairs. Application for reinstatement in such cases must be accompanied by proof of good health as follows: If application is submitted within 3 months after the due date of the premium in default, applicant's own statements may be accepted as proof of good health, but whenever deemed necessary in any such case by the Administrator of Veterans' Affairs a report of physical examination may be required. Applications submitted after expira-

tion of said 3-month period must be accompanied by report of physical examination.

Physical examination incident to the reinstatement of national service life insurance may be made by a medical officer of the United States Army, Navy, or Public Health Service or may be made free of charge to the applicant by a full-time or part-time salaried physician at any Veterans' Administration facility or regional office. Such examination may also be made, at the applicant's own expense, by a physician designated by the Administrator of Veterans' Affairs to make such examinations, if preferred by the applicant. The names and addresses of such designated medical examiners for any given locality in the United States will be furnished upon request, addressed to the Director of Insurance, Veterans' Administration, Washington, D. C. The Administrator of Veterans' Affairs may require such further physical examination or additional evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.

The Veterans' Administration will not furnish transportation expenses incident to physical or mental examinations of applicants for reinstatement of insurance, except when the applicant is ordered to report for examination at the specific request of the Director of Insurance or the manager of a Veterans' Administration facility or regional office.

#### DEFINITION OF GOOD HEALTH

The words "good health" when used in connection with insurance, mean that the applicant is, from clinical or other evidence, free from disease, injury, abnormality, infirmity, or residual of disease or injury to a degree that would tend to weaken or impair the normal functions of the mind or body or to shorten life.

#### ASSIGNMENT, TAXATION, AND EXEMPTION

The proceeds of a national service life insurance policy shall not be assignable and the payments of national service life insurance as such are exempt from taxation, but such exemption does not extend to any property purchased in part or wholly out of such payments.

Payments of insurance to a beneficiary are exempt from the claims of creditors of the insured or creditors of the beneficiary, and are not liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The exemption shall apply against the United States or any agency thereof: *Provided*, That the United States shall be entitled to collect by set-off or otherwise out of benefits payable to any beneficiary under a national service life insurance policy, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans' Administration: *Provided further*, That in the settlement of any claim arising out of the National Service Life Insurance Act of 1940, the United States shall be entitled to deduct the amount of unpaid premiums, or loans, or interest on such premiums or loans; or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits; or any other indebtedness existing under the particular insurance policy. (Sec. 5 Public Law 866, 76th Cong., approved October 17, 1940.)

## PENALTIES AND FORFEITURES

Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the land or naval forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to insurance under this part. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but the cash surrender value, if any, of such insurance on the date of such death shall be paid to the designated beneficiary, if living, or otherwise to the beneficiary or beneficiaries within the permitted class in accordance with the order specified in section 602 (h) (3). (Sec. 612 of the National Service Life Insurance Act of 1940, Public Law 801, 76th Cong., approved October 8, 1940.)

Whoever in any claim for insurance issued under the provisions of this part makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall, upon conviction thereof, be punished by a fine of not more than \$5,000, or by imprisonment for not more than 2 years, or by both such fine and imprisonment." (Sec. 613 of the National Service Life Insurance Act of 1940, Public Law 801, 76th Cong., approved October 8, 1940.)

Whoever, with intent to defraud the United States or any beneficiary of such insurance, shall obtain or receive any money or check for national service life insurance without being entitled to the same, shall, upon conviction thereof, be punished by a fine of not more than \$2,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment. (Sec. 614 of the National Service Life Insurance Act of 1940, Public Law 801, 76th Cong., approved October 8, 1940.)

Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in anywise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any application for insurance or reinstatement thereof, waiver of premiums or claim for benefits under national service life insurance for himself or any other person, shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or imprisonment for not more than 1 year, or by both such fine and imprisonment. (Sec. 615 of the National Service Life Insurance Act of 1940, Public Law 801, 76th Cong., approved October 8, 1940.)

## UNITED STATES GOVERNMENT LIFE (CONVERTED) INSURANCE

Persons who served during World War I between April 6, 1917, and July 2, 1921, and who applied or were eligible to apply for yearly renewable term (war risk) insurance or United States Government life (converted) insurance may apply for United States Government life (converted) insurance as authorized by section 310, World War Veterans' Act, 1924, as amended, in amounts not to exceed \$10,000, nor less than \$1,000, in multiples of \$500, provided such person is in good health and furnishes evidence satisfactory to the Administrator of Veterans' Affairs to this effect. However, the amount of insurance granted under this section, plus any amount in force under premium paying conditions, or in force as extended insurance, plus any amount

carried under a previous policy and surrendered for cash, or surrendered for paid-up insurance may not exceed \$10,000.

United States Government life insurance policies are issued on the ordinary life plan, 20-payment life plan, 30-payment life plan, 20-year endowment plan, 30-year endowment plan, or 5-year level premium term plan. The plan originally selected may be exchanged on any other plan at a higher premium rate or any plan except the 5-year level premium term plan at a lower premium rate, as prescribed by regulations of the Veterans' Administration. All forms of United States Government life insurance participate in dividends and have liberal loan, cash surrender, paid-up and extended insurance values. United States Government life insurance policies provide for total permanent disability benefits and for waiver of premiums after receipt of due proof of the total permanent disability of the insured. Premiums will also be waived as to (A) those confined in a hospital as patients of the Veterans' Administration for a compensable disability during the period while so confined; (B) those rated temporarily totally disabled by reason of injury or disease entitling them to compensation, during the period of such total disability and while they are so rated; and (C) those who are mentally incompetent and for whom no legal guardian has been appointed and who allowed their insurance to lapse while mentally incompetent, during the period such person has been rated mentally incompetent and until the guardian has notified the Veterans' Administration of his qualification but not later than 6 months after appointment as guardian.

Where payment of premiums on yearly renewable term insurance or United States Government life insurance on the due date thereof has been waived under the circumstances stated in A, B, and C, aforementioned, the premium so waived bears interest at the rate of 5 percent per annum compounded annually from the due date of such premium, and if not paid the amount constitutes a lien against the policy to be deducted from the proceeds of insurance in any settlement thereunder or from the cash value when such value is taken in cash or used to purchase paid-up or extended insurance or in making a loan.

United States Government life insurance policies, upon maturity by reason of death or permanent total disability, are payable in monthly installments of \$5.75 for each \$1,000 of insurance unless one of the optional settlements is selected as provided in the policy, in which event, upon death of the insured, the insurance is payable in accordance with the optional settlement selected. Under optional settlement No. 1, the insurance is payable in one sum at maturity of the policy by death where the insured during his lifetime or by last will and testament made such selection. Optional settlement No. 2 provides for payment of installments for an agreed number of months (not less than 36) to the designated beneficiary, but if the beneficiary dies before the agreed number of installments has been paid, the unpaid monthly installments will be payable in accordance with the beneficiary provisions of the policy. Optional settlement No. 3 provides for monthly installments for life, the amount of the installment depending upon age of the designated beneficiary. If the beneficiary dies before 240 installments have been paid the remaining unpaid monthly installments are payable in accordance with the beneficiary provisions of the policy.

The insured has the right at any time and from time to time and without the consent or knowledge of the beneficiary to change the



**TRANSPORTATION FOR DEPENDENTS AND HOUSEHOLD EFFECTS OF CERTAIN DEAD OR MISSING PERSONS**

The dependents and household and personal effects of any person on active duty (without regard to pay grade) who is officially reported as injured, dead, missing as the result of military or naval operations, interned in a neutral country, or captured by the enemy, may be moved (including packing and unpacking of household effects) to the official residence of record for any such person, or, upon application by such dependents, to such other locations as may be determined by the head of the department concerned or by such person as he may designate, by the use of either commercial or Government transportation. (Sec. 12, Public Law 490, 77th Cong., approved March 7, 1942.)

**EXEMPTIONS—FEDERAL INCOME TAX****PENSIONS AND SIMILAR BENEFITS**

In computing gross income, United States Government life insurance National Service life insurance, mustering-out payments and amounts received as compensation, pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country may be excluded. Payments of benefits under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, the Emergency Officers' Retirement Act, as amended, the World War Adjusted Compensation Act, as amended, Public Law 2, Seventy-third Congress, Public Law 484, Seventy-third Congress, as amended, and any act or acts amendatory of such acts are exempt from Federal income tax.

Retirement pay except for disability paid to officers retired from active service in the Regular Army, Navy, or Marine Corps has been held by the Bureau of Internal Revenue as not exempt from Federal income tax, since such pay has not been made specifically exempt by law and is regarded as compensation for services previously rendered in the Regular Army, Navy, or Marine Corps and for awaiting orders to active service whenever the contingency may arise. An officer who is retired from active service is considered still as being in the military service of the United States.

In computing net income, in addition to the deductions authorized by law such as contributions, interest, taxes, etc., a blind individual may deduct \$500. This item will be of particular interest to blind veterans.

**ACTIVE-SERVICE PAY**

Active-service pay, including allotments thereof whether received as base pay, longevity pay (active list), pay (retired list), extra pay for foreign service or special duty, including extra pay, permanent or transient to enlisted men for special qualifications and travel allowances, of personnel in the armed forces must be reported as gross income. However, there may be excluded from gross income of any member of the military or naval forces of the United States, or military or naval forces of other United Nations, amounts received for active service in such forces during the present war to the extent of \$1,500. This is in addition to the personal exemptions and credits, if any, for dependents.

Military personnel need not include as items of gross income, the value of subsistence and quarters furnished in kind; money sub-

sistence allowance where subsistence is not furnished in kind; or money rental allowance (applicable to Army, Navy, Coast Guard, Coast and Geodetic Survey, and Public Health Service, where quarters are not furnished in kind; or value of travel furnished in kind to discharged enlisted man; or per diem allowance in lieu of subsistence paid to an officer traveling on official business away from post of duty; value of uniforms furnished in kind; allowances received for uniforms; money allowance paid upon discharge of enlisted man in lieu of unused clothing to his credit; mustering-out payments for military and naval personnel; that portion of monthly family allowance contributed by the Government; 6 months' death gratuity; pension or pay from a State to its residents for their service in United States Army (but pensions paid by a State for services are subject to Federal income tax); gratuitous medical or hospital treatment provided by Government in Government hospitals; benefits and pensions received under War Risk Insurance Act, as amended, World War Veterans' Act, 1924, as amended, World War Adjusted Compensation Act, as amended, Public Law 2, Seventy-third Congress, as amended, Public No. 484. Seventy-third Congress, as amended, and any act or acts amendatory thereof; pensions received by family of veteran for services rendered by him.

There may be excluded from gross income the compensation of military personnel serving in the following possessions of the United States: Puerto Rico, the Philippine Islands, the Panama Canal Zone, Guam, American Samoa, Wake, Palmyra, and the Midway Islands if it constitutes 80 percent or more of their gross income from all sources for the period in which the individual has been in such possession (such period not to exceed the 3 years immediately preceding the close of the taxable year). Any portion of pay which may have been allotted is considered as income from sources within the possession in which the individual may be located during the period of time which the pay covers. When computing the gross income from all sources for the period during which the taxpayer was in the possession, if that period is longer than the taxable year involved, the total pay received for the entire period is taken into account as well as the total income from other sources, and in the event the person has been in a possession more than 3 years, only the 3 years immediately preceding the close of the taxable year are taken into account in determining whether military pay amounts to 80 percent or more of gross income.

An individual entitled to exclude from taxation military pay received for service in a possession need not file any income-tax return if he had no income from sources within the United States, or received no income within the United States from any source during the taxable year. The source of the compensation is the place where the services are rendered. Compensation paid by the United States to its civil, military, and naval personnel for services rendered in a possession represents income derived from a business or within a possession. An individual serving outside the continental United States is deemed to receive his entire pay at his station regardless of allotments made by him.

Where an individual is entitled to exclude from taxable income his military pay received in a possession, his personal exemption from tax is limited to the \$500 allowable to a single person regardless of his actual marital status or number of dependents and he is not entitled

to any credit for dependents. If he is not entitled to exclude from taxable income the amount of his military pay for service in a possession, he is entitled to the personal exemption and credit for dependents otherwise allowable to a person in his particular status.

An individual not entitled to exclude from taxable income the amount of his military pay for service in a possession may obtain as a credit against his Federal income tax, the amount of income tax which he may be required to pay to the possession, and to receive credit therefor, an official receipt should be obtained, and it must be specifically claimed when the Federal income-tax return is filed.

Pay of military personnel serving outside the continental limits of the United States in localities other than those referred to above is considered as income from within the United States and is subject to Federal income tax.

Individuals serving in the military forces of the United States in the Territories or possessions of the United States or in foreign countries who may be liable for Federal income tax may take advantage of the provisions of the act of March 7, 1942, referred to below.

Pay to military personnel is not subject to collection of the tax at the source.

**FEDERAL INCOME-TAX RETURNS OR PAYMENT OF FEDERAL INCOME TAX BY PERSONS IN ARMED FORCES, PRISONERS OF WAR, PERSONS DETAINED BY ENEMY, ON SEA DUTY, OR OUTSIDE CONTINENTAL LIMITS OF UNITED STATES**

Notwithstanding any other provision of law, in the case of any taxable year beginning after December 31, 1940, no Federal income-tax return of, or payment of any Federal income tax by—

(a) any individual in the military or naval forces of the United States, or

(b) any civilian officer or employee of any department

who, at the time any such return or payment would otherwise become due, is a prisoner of war or is otherwise detained by any foreign government with which the United States is at war, or

(c) any individual in the military or naval forces of the United States serving on sea duty or outside the continental United States at the time any such return or payment would otherwise become due,

shall become due until one of the following dates, whichever is the earliest:

(1) the fifteenth day of the third month following the month in which he ceases (except by reason of death or incompetency) to be a prisoner of war, or to be detained by any foreign government with which the United States is at war, or to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, as the case may be, unless prior to the expiration of such fifteenth day he again is a prisoner of war, or is detained by any foreign government with which the United States is at war, or is a member of the military or naval forces of the United States serving on sea duty or outside the continental United States;

(2) the fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(3) the fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

Such due date is prescribed subject to the power of the Commissioner of Internal Revenue to extend the time for filing such return or paying such tax, as in other cases, and to assess and collect the tax as provided in sections 146, 273, and 274 of the Internal Revenue Code in cases in which such assessment or collection is jeopardized and in cases of bankruptcy or receivership. For the purpose of this section, the term "continental United States" means the States and the District of Columbia and the terms "individual" or "member" of the military or naval forces of the United States means any person in the Army of the United States, the United States Navy, the Marine Corps, the Army or Navy Nurse Corps (female), the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service. (Sec. 13, Public Law 490, 77th Cong., approved March 7, 1942.)

#### ARMY EMERGENCY RELIEF

*Purpose.*—Army Emergency Relief was organized by the War Department for the Army to give help to all soldiers and their dependents who require assistance whenever and wherever help is needed. The Army has always cared for its own. The primary purpose of the organization is to extend assistance quickly where it will do the most good. There is a minimum of delay between the time of application and actual granting of relief, the time lapse being only such as will permit prompt investigation into the merits of the case, the need for help, and the type of relief required. Since Army Emergency Relief is administered by officers and men of the Army of the United States, by War Department employees, and by volunteer civilian workers, it has no overhead or deduction of any sort for administration or other purposes.

*Scope.*—The organization serves the personnel of the Army of the United States, regardless of grade or length of service. Dependents of soldiers will be aided in case of need, irrespective of degree of relationship. Funds for relief are raised by contributions, by membership in the organization (available to soldiers and civilians alike) and from the proceeds of entertainments and benefits. Relief may be granted in the form of money, by loans, by aid in kind (including fuel, medical and dental care, and hospitalization), by assistance in securing pensions, compensation, insurance and allotments, and by information, consultant, placement, and supervisory services.

*Where and how to apply.*—In order to permit quick relief where it is needed, Army Emergency Relief has been decentralized to branches and sections throughout the United States and its possessions. Sections are located at all Army posts, camps, stations, and air fields, where applications for assistance will be received, investigation made, and necessary assistance granted.

You may apply for assistance for yourself and your family at the Army Emergency Relief Section or the Red Cross field director at your

post, camp, or station. If your dependents are in need, be prepared to give their names and addresses and circumstances requiring relief. Inform your dependents that if they are in need of assistance, they may apply to Army Emergency Relief Section or the Red Cross field director at the post, camp, or station nearest to their home, or the branch located at each service command headquarters or direct to Army Emergency Relief, War Department, Washington, D. C. Your dependents may also apply to their local Red Cross chapter. Be sure to furnish your family with the name and address of the Army post, camp, or station nearest to their home, and with your grade, Army serial number, organization, and station or last mailing address, which they should have available when asking for help.

#### NAVY RELIEF SOCIETY

*Purpose.*—The Navy Relief Society was incorporated January 23, 1904, under the laws of the District of Columbia, to fill the need for an organization which would relieve personal distress in the families of naval personnel when the source of support had been incapacitated by disability or removed by death. The primary responsibility of the Navy Relief Society is to provide relief and aid for dependent widows, minor orphan children, and dependent mothers of missing and deceased naval personnel, which includes personnel of the Marine Corps and of the Coast Guard while acting as a part of the Navy in time of war. In addition, the society assists in providing hospitalization, medical and surgical care for dependents of naval personnel and gives financial aid, in time of emergency need to naval personnel and their dependents. Wherever possible dependents are assisted in meeting and solving their problems by giving them wise counsel, a well-considered plan, help in finding employment and in other ways not involving financial expenditure. Every effort is made to grant relief promptly. The only delay is the time required to make a preliminary investigation to determine the merits of the case.

*Scope.*—The organization serves the personnel of the Navy of the United States regardless of rank, rate, or length of service. The funds of the society are raised by voluntary contributions, by payment of membership dues, and from the proceeds of entertainment, and benefits usually provided by naval personnel. Relief may be granted in the form of money as a gratuity, or a loan without interest, and by assistance in securing pensions, 6 months' death gratuity, insurance, allotments, and other benefits.

*Where and how to apply.*—The Navy Relief Society has been decentralized to effect prompt action. Auxiliaries of the Society have been established at all of the larger naval stations in the United States, including Hawaii and the Canal Zone, and branches of these auxiliaries are in operation at some of the smaller stations. Additional auxiliaries and branches are being established as the needs for them arise. The American Red Cross cooperates with the Navy Relief Society in assisting those who reside in areas not served by an auxiliary or branch.

Naval personnel should apply to the local auxiliary or branch for relief for themselves or their families, and to the Red Cross in those localities not served by an auxiliary or branch. The Red Cross should be informed that the assistance of the Navy Relief Society is desired.

These cases are referred by the Red Cross to the headquarters of the Society in Washington, D. C., for action. Dependents of naval personnel should likewise apply to an auxiliary or a branch of the Navy Relief Society, or to the Red Cross. They may apply to the Navy Relief Society, Anderson House, Navy Department, Washington, D. C., if representatives of the Navy Relief Society or Red Cross are not available in their locality. Dependents should include in their application the full name of the serviceman upon whom they are dependent together with his rank or rate, service number, and last known mailing address.

#### **HOSPITALIZATION AND MEDICAL OR DENTAL ATTENDANCE AVAILABLE TO DEPENDENTS OF MEMBERS OF THE ARMED FORCES**

##### **ARMY**

The wife and dependent children of officers, warrant officers, and enlisted men and other dependent members of the family when residing with such persons may be admitted to Army hospitals, if they require hospital treatment or isolation, when suitable accommodations are available for their care, provided they are not legally dependent upon an individual not in the military service. Application in each case will be made to the commanding officer of the hospital concerned, by the officer, warrant officer, or enlisted man with evidence satisfactory to the commanding officer showing the relationship, dependency, residence, and also, the nature of the illness and the need for hospital treatment. Dependents of military personnel should not undertake travel to a military hospital without first ascertaining whether and when accommodations will be available. If the case is under the care or within the province of an attending surgeon of the Army, the application will be made by him; otherwise, it will be made direct. If subsisted on the same footing as officers, the subsistence charges are \$1.25 per day, or \$1.50 per day in the Fitzsimons General Hospital; if subsisted on the same footing as enlisted men, the subsistence charges are the actual cost of the ration plus 50 percent, plus 10 cents a day except at the Army and Navy General Hospital where the subsistence charge is 60 cents a day. The per diem charge for medicines and dressings is 50 cents.

Whenever practicable, medical attendance (medicine, nursing, hospital care, and ambulance service) and dental attendance will be furnished the wife, dependent children, and servants of such officers and enlisted men, and other dependent members of the family when residing with such persons provided they are not legally dependent upon an individual not in the military service (A. R. 40-590; 40-600; 40-505; 40-510).

##### **NAVY AND MARINE CORPS**

Hospitalization of dependents of Naval and Marine Corps personnel at any naval hospital will be furnished but only for acute medical and surgical conditions, exclusive of nervous, mental or contagious diseases or those requiring domiciliary care. Dental treatment will be administered only as an adjunct to in-patient hospital care and does not include dental prosthesis or orthodontia.

Dependents eligible for such care or treatment include a lawful wife, unmarried dependent child, or children under 21 years of age and the mother or father of a member of the Navy or Marine Corps if in

fact dependent on such member. The child may be a natural or adopted child or stepchild. Widows of deceased naval and Marine Corps personnel are entitled in like manner as dependents. The per diem rate for the hospitalization of dependents of naval and Marine Corps personnel, as established by the President is \$1 75 (Public Law 51, 78th Cong., May 10, 1943, 24 U. S. C. secs. 32, 33, 35; Executive Order 9411, Dec. 23, 1943).

#### COAST GUARD

Dependent members of families of officers and enlisted men of the Coast Guard will be furnished medical advice and out-patient treatment by the Public Health Service at its first-, second-, and third-class relief stations, and at marine hospitals, if suitable accommodations are available, at a per diem cost to the officer or enlisted man concerned equivalent to the uniform per diem reimbursement rate for Government hospitals as approved by the President for each fiscal year (act of August 4, 1894, as amended by act of January 28, 1915, and July 30, 1937; Reorganization Plan No. 1, secs. 201, 205 (b); 24 U. S. C. sec. 8).

The provisions of the act of May 10, 1943, relating to hospitalization of dependents of naval and Marine Corps personnel, during such periods as the Coast Guard may operate as part of the Navy, apply to dependents of personnel of the Coast Guard in like manner and to the same extent (sec. 6, Public Law 51, 78th Cong., May 10, 1943; Executive Order 9441, Dec. 23, 1943; 24 U. S. C. sec. 36).

#### MATERNITY AND INFANT CARE FOR WIVES OF ENLISTED MEN

Appropriations authorized by Congress for the Children's Bureau, United States Department of Labor, providing grants to States for emergency maternity and infant care include an additional amount for grants to States, including Alaska, Hawaii, Puerto Rico, and the District of Columbia, to provide, in addition to similar services otherwise available, medical, nursing, and hospital maternity and infant care, without cost, for the wives and infants of enlisted men of the fourth, fifth, sixth, and seventh grades in the armed forces of the United States, and for the liquidation of commitments by the State health agency in the cases of wives and infants of enlisted men in grades 1, 2, and 3 made prior to October 1, 1943. All State health agencies with plans approved by the Children's Bureau may authorize hospital care under the program.

Application forms for requesting care are made available by the State health departments through local health and welfare agencies, local American Red Cross chapters, prenatal clinics, military posts, and local practicing physicians. The enlisted man's wife must fill out and sign her part of the application form. Her physician (or hospital) must complete and sign the application and forward it to the State director of maternal and child welfare or his authorized deputy. The form includes a statement by the physician (or hospital) that the services authorized will be rendered for the amount paid by the State health department without payment from the patient or the family. In an emergency, care may be given by a physician or in a hospital before an application is filed. However, the application should be completed as soon as possible and forwarded to the State health agency. The husband's serial number must be shown

Army and Navy hospitals may, to the extent authorized by regulations of the service department concerned, admit dependents of military personnel. Authorizations from State health agencies for hospital care of dependents of enlisted men of the fourth, fifth, sixth, and seventh grades may be accepted in lieu of billing such patients the charges which otherwise would be made under such regulations. The hospital rendering services will bill the State health agency authorizing the hospital care at the rate of \$4.25 per patient day for maternity cases and infant care. This per diem charge will include the mother and new-born infant until the mother is allowed to leave the hospital. If further hospitalization of the infant is required, the per diem charge will continue for the infant. When prenatal or post partum home nursing service for mothers and infants is available through a local public health department, referral for such service may be made by the Army hospital. (Public Law 156, 78th Cong., Oct. 1, 1943; Public Law 303, 78th Cong., May 12, 1944.)

#### FINAL PAY UPON DISCHARGE FROM SERVICE

Under the Servicemen's Readjustment Act of 1944 it is provided that no person shall be discharged or released from active duty in the armed forces until his certificate of discharge or release from active duty and final pay or a substantial portion thereof are ready for delivery to him. (Sec. 104, Public Law 346, 78th Cong., approved June 22, 1944.)

#### MUSTERING-OUT PAY FOR VETERANS OF WORLD WAR II

Members of the armed forces, with certain exceptions hereinafter mentioned, who shall have been engaged in active service in the present war and who shall have been discharged or relieved from active service under honorable conditions on or after December 7, 1941, shall be eligible to receive mustering-out payment in the following sums:

(1) \$300 for persons who, having performed active service for 60 days or more, have served outside the continental limits of the United States or in Alaska.

(2) \$200 for persons who, having performed active service for 60 days or more, have served no part thereof outside the continental limits of the United States or in Alaska.

(3) \$100 for persons who have performed active service for less than 60 days.

If entitled to \$300, one-third of this amount (\$100) shall be paid at time of final discharge or ultimate relief from active service. The remainder shall be paid in two equal installments, 1 month and 2 months, respectively, from date of original payment.

If entitled to \$200, one-half of this amount (\$100) shall be paid at time of final discharge or ultimate relief from active service and the remainder shall be paid 1 month from date of original payment.

If entitled to \$100, such amount shall be paid at time of discharge or relief from active service.

Any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions before the effective date of Public Law 225, Seventy-eighth Congress, approved February 3, 1944, shall, if applica-



tion therefor is made within 2 years after date of enactment of said act, be paid such mustering-out payment by the War or the Navy Departments as the case may be, beginning within 1 month after application has been received and approved by such department.

If any member of the armed forces after his discharge or relief from active service shall die before receiving any portion of or the full amount of his mustering-out payment, the balance due him shall be payable upon appropriate application therefor, to his surviving spouse or if none, then to his child or children in equal shares; and if he shall have no surviving spouse or child or children, then in equal shares to his surviving parents, if any. No payment shall be made to any other person.

Mustering-out payments due or to become due shall not be assignable and any payment made to or on account of a veteran shall be exempt from taxation and claims of creditors, including any claim of the United States and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the payee.

No mustering-out payment shall be made to—

(1) Any member of the armed forces who, at the time of his discharge or relief from active service, is receiving base pay at a higher rate than the base pay of the third period as prescribed in section 1 of the Pay Readjustment Act of 1942, as amended (third pay period, Army, captain; Navy, lieutenant, (senior grade).

(2) Any member of the armed forces who, at the time of discharge or relief from active service, is transferred or returned to the retired list with retirement pay or to a status in which he receives retirement pay.

(3) Any member of the armed forces for any active service performed prior to the date of his discharge or relief from active service on his own initiative to accept employment, or, in the case of any member so retired from active service, for any active service performed prior to the date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska.

(4) Any Air Corps Reserve officer who is entitled to receive a lump-sum payment under section 2, as amended, of the act of June 16, 1936 (55 Stat. 240).

(5) Any member of the armed forces whose total period of service has been as a student detailed for training under (A) the Army specialized training program; (B) the Army Air Forces college training program; or (C) any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard.

(6) Any member of the armed forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy.

(7) Any member of the armed forces whose sole service has been as a cadet at the United States Military Academy or the United States Coast Guard Academy or as a midshipman at the United States Naval Academy or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of said academies.

(8) Any commissioned officer unless he is discharged or relieved from active service within 3 years after the termination of the present

A member of the armed forces, within the meaning of this law, includes any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components, and any member of the Women's Army Auxiliary Corps who was discharged under honorable conditions on account of disability.

The term "spouse" means a lawful wife or husband. The term "child" includes a legitimate child, a child legally adopted and a stepchild, if, at the time of the death of the member of the armed forces, such stepchild was a member of the deceased's household. The term "parent" includes a father and mother, stepfather and stepmother and father and mother through adoption (Public Law 225, 78th Cong., approved February 3, 1944).

## CLASSES OF CERTIFICATES OF DISCHARGE

### ARMY

There are three classes of certificates of discharge from the Army of the United States (A. R. 345-470):

(a) Honorable discharge (W. D., A. G. O. Form 55), is used when service has been honest and faithful, and a character of "Good," "Very good," or "Excellent" is given.

(b) Dishonorable discharge (W. D., A. G. O. Form 57), is used for dishonorable discharge by sentence of a court martial or military commission.

(c) Blue discharge (W. D., A. G. O. Form 56), is used when the enlisted man is discharged otherwise than as specified above. This form is used in all cases where service has not been honest and faithful or where a character of "Fair" or "Poor" is given, and in which a dishonorable discharge cannot be given. It is neither honorable nor dishonorable but one that sets forth the act of discharge.

Discharge from the Army of the United States will be given under the following circumstances and sections of A. R. 615-360:

1. Upon completion of term of service.
2. For disability.
3. Purchase (suspended for duration of any war plus 6 months).
4. Minority.
5. Dependency.
6. Fraudulent enlistment or induction.
7. Desertion.
8. Inaptness or undesirable habits or traits of character.
9. Conviction by civil court.
10. Convenience of Government.
11. Writ of habeas corpus.
12. Dishonorable.

A certificate of service (W. D., A. G. O. Form 280) will be issued to each Reserve officer and Reserve nurse; commissioned officer, warrant officer, and enlisted man of the National Guard of the United States; commissioned officer, warrant officer, flight officer, with temporary appointment in the Army of the United States; member of the Enlisted Reserve Corps and of the Regular Army Reserve; and trainee inducted under the Selective Training and Service Act of 1940, who satisfactorily completes the required period of active military service in the Army of the United States, or who is honorably

separated from the military service or honorably relieved from active Federal service prior to the completion of the required period of service except that in all cases when a W. D., A. G. O. Form 55 (honorable discharge from the Army of the United States) is furnished, a W. D., A. G. O. Form 280 will not be furnished (A. R. 345-500).

The certificate of service denotes transfer to a reserve status and has the effect of establishing to the satisfaction of defense industries and other prospective employers that the holder thereof has completed a period of service in the armed forces of the country and is released from such active service, subject, however, to recall without going through the channels of Selective Service. A holder of a certificate of service may eventually receive a discharge certificate.

Unless sooner discharged for specific causes, an enlisted man will be discharged on the date upon which he will have completed his term of service, with certain exceptions. The kind of discharge certificate which will be issued depends on not only the cause of discharge but also the character given on discharge. Except as otherwise specifically prescribed, an enlisted man will be given a certificate of honorable discharge (W. D., A. G. O. Form 55) (A. R. 615-360; 345-470).

An honorable discharge will be given for disability incurred in line of duty unless otherwise directed by the approved proceedings of the board of officers. An honorable discharge will be given for disability incurred not in line of duty under the same circumstances, except that (1) if the disability is the result of misconduct occurring in the man's current enlistment, a blue discharge (W. D., A. G. O. Form 56) will be given; and (2) unless otherwise directed by the approved proceedings of a board of officers, or unless the disability was noted on the enlistment or induction papers, or unless the nature of the service rendered by a man merits an honorable discharge, a blue discharge will be given if the disability is the result of misconduct which occurred prior to the current enlistment or period of service (par. 17, A. R. 615-360).

Diagnosis given in certificate of disability for discharge will not be quoted. The term to be entered on the document as the reason for discharge will be an abbreviated reference to the cause thereof, together with authority therefor.

Unless otherwise directed by the approved proceedings of a board of officers, an honorable discharge will be given when a discharge by purchase is authorized. This form of discharge has been suspended for the duration of any war plus 6 months (par. 29, A. R. 615-360).

The form of discharge certificate in case of minority will be that to which the service rendered by the enlisted man after enlistment or induction will entitle him, notwithstanding the enlistment, or induction in case of a selectee, may have been obtained by misrepresentation as to age or consent of parent or guardian. Specific reason for discharge—minority—will be entered on the certificate (par. 39, A. R. 615-360).

No specific form of discharge is cited for discharge on the grounds of dependency, but an honorable discharge is usually given unless otherwise directed by a board of officers. Releases from active service on account of dependency will be granted only when the necessity therefor is extreme and where certain detailed evidence as to the situation has been submitted and clearly indicates that the release of the enlisted man is necessary to prevent or relieve destitu-

tion. Doubtful cases are submitted to The Adjutant General for action of the Secretary of War (par. 40-43, A. R. 615-360).

A blue discharge (W. D., A. G. O. Form 56) is generally used in cases of fraudulent enlistment or induction, and the reason for the discharge will be stated on the certificate. However, an honorable discharge certificate may be given at the discretion of the officer with discharge authority in certain circumstances.

A blue discharge (W. D., A. G. O. Form 56) will be used for all discharges for desertion (par. 50, A. R. 615-360).

A blue discharge (W. D., A. G. O. Form 56), ordinarily, will be given for inaptness, lack of adaptability for military service, enuresis, habits (or traits of character) rendering retention in service undesirable, or disqualified (physically or in character) for service through his own misconduct.

An honorable discharge (W. D., A. G. O. Form 55) will be given in case of inaptness, lack of adaptability for military service, and enuresis, unless, according to the approved findings of the board of officers, the conduct of the enlisted man during his current period of service has been such as would render his retention in the service undesirable regardless of his inaptness, lack of required adaptability for military service, or enuresis. In such cases the discharge certificate will show that reenlistment, induction, or reinduction is not warranted (par. 54-55, A. R. 615-360).

A blue discharge (W. D., A. G. O. Form 56) will be given an enlisted man discharged on account of conviction by a civil court (par. 59, A. R. 615-360).

A discharge for the convenience of the Government is given by authority of the Secretary of War only, except when he delegates this authority to certain commanding officers. It may be given where the enlisted man is discharged to accept a commission or appointment in some other branch of service or may be based upon the enlisted man's importance to the national health, safety, or interest, or upon claim that the trainee was erroneously classified, should not have been inducted, and did not have an opportunity to present himself to the appeal board. If the enlisted man is released because of being a key man in industry he is transferred to the enlisted Reserve Corps. Unless otherwise directed, an honorable discharge (W. D., A. G. O. Form 55) will be given if the man is discharged. All discharge certificates executed "for the convenience of the Government" will in addition to that phrase contain a short statement indicating the specific cause for the discharge (pars. 60-62, A. R. 615-360).

When an enlisted man is discharged on writ of habeas corpus, unless otherwise directed by the approved proceedings of a board of officers, or as otherwise prescribed in the regulations, an honorable discharge (W. D., A. G. O. Form 55), will be given.

An enlisted man will be dishonorably discharged when the discharge is the result of a sentence of a court martial or a military commission and for no other reason; W. D., A. G. O. Form 57 will be used in such cases.

#### NAVY

The Navy has three types of discharge certificates: *honorable* (B. N. P. 660); *under honorable conditions, formerly ordinary* (B. N. P. 661); *unfavorable* (B. N. P. 662). These certificates are issued under the following circumstances and for the purposes designated. "All

discharges from the Navy except 'Undesirable,' 'Unfitness,' 'Bad Conduct,' and 'Dishonorable' are considered to have been issued under 'satisfactory conditions,' previously termed 'honorable conditions.' "

*Form B. N. P. 660—Honorable.*

1. Expiration of enlistment (D-9104) with excellent proficiency and conduct marks.

2. Medical survey (D-9105) for disability incurred in line of duty with excellent proficiency and conduct marks.

*Form B. N. P. 661—Under honorable conditions (formerly, ordinary).*

1. Expiration of enlistment (D-9104) with good or indifferent character of discharge and with proficiency and conduct marks less than excellent.

2. Medical survey (D-9105) for disability in line of duty with marks less than excellent; for disability due to own misconduct with indifferent character of discharge; and for disability existing prior to enlistment with good or indifferent character of discharge.

3. Convenience of Government (D-9106).

4. Man's own convenience (D-9107).

5. Dependency (D-9108) existing prior to or arising since enlistment.

6. Minor enlisted without consent (D-9109).

7. Unsuitability (D-9110).

8. Inaptitude (D-9111).

*Form B. N. P. 662—Unfavorable.*

1. Unfitness, authorized by Bureau of Naval Personnel or commanding officer in accordance with (D-9112). (Unfitness.)

2. Desertion without trial (D-9113) when authorized by Bureau of Naval Personnel. (Undesirable.)

3. Trial and conviction (D-9113) by civil authorities when authorized by Bureau of Naval Personnel. (Undesirable.)

4. Fraudulent enlistment (D-9113) when authorized by Bureau of Naval Personnel. (Undesirable.)

5. Sentences of court martial when directed by Bureau of Naval Personnel or the commanding officer in certain instances as defined in (D-9114). (Bad conduct, dishonorable.)

Upon request of any individual concerned, the ordinary certificate of discharge will be changed to certificate of discharge under honorable conditions, to agree with the new certificates now being issued.

All certificates bearing the notation "under satisfactory conditions" are considered as having been issued "under honorable conditions."

As to active service the Bureau of Naval Personnel advises that the character of discharge is shown on the face of the certificate, and that on the reverse side appear the date of enlistment, qualifications of the man, vessels and stations, the reasons for discharge, etc. From the statement as to the vessels and stations in which the man served it can readily be deduced whether he had active duty during his enlistment. The underlying reason is not shown on the discharge certificate when it might tend to be injurious to the individual.

**COAST GUARD**

The same types of discharges are given as those described above for Navy enlisted personnel.

## MARINE CORPS

Discharges of enlisted personnel of the Marine Corps are divided into four classes:

## Class 1. Honorable discharge:

- |  | <i>Form</i>      |
|--|------------------|
| (a) Upon expiration of enlistment or extension thereof with award of good conduct medal.   | NMC-257a.        |
| (a) Upon expiration of enlistment or extension thereof without award of good conduct medal.  | NMC-257.         |
| (The above designated forms are issued from Washington. Forms NMC-257k (same as NMC-257) and NMC-257m (same as NMC-257a) are used when issued from San Francisco, Calif.). |                  |
| (It is understood that discharges of men upon expiration of enlistment while on foreign shore duty are made on Forms NMC-258 or 258a).                                     |                  |
| (a) From the Marine Corps Reserve.....   | NMC-258 or 258a. |
| (b) Upon report of medical survey, disability in line of duty.   | NMC-258 or 258a. |
| (b) Upon report of medical survey, disability not in line of duty, not due to own misconduct.  | NMC-258 or 258a. |
| (c) Dependency of relatives arising subsequent to enlistment   | NMC-258 or 258a. |
| (d) Dependency of relatives, for man's own convenience   | NMC-258 or 258a. |
| (e) To accept appointment in military or naval service.  | NMC-258 or 258a. |
| (f) For man's own convenience.....   | NMC-258 or 258a. |
| (g) For convenience of the Government.....   | NMC-258 or 258a. |
| (h) For inaptitude involving no reflection upon moral character or conduct   | NMC-258 or 258a. |
| (i) As unsuitable for Marine Corps service owing to physical disqualification existing prior to enlistment   | NMC-258 or 258a. |
| (j) By reason of under-age enlistment.....   | NMC-258 or 258a. |
| Unsuitability due to immaturity.....   | NMC-258 or 258a. |

## Class 2. Discharge.

- |   |                   |
|---|-------------------|
| (k) Medical survey, disability due to own misconduct.             | NMC-385a or 385c. |
| (l) Undesirable by reason of—                                     |                   |
| (1) Desertion.....  | NMC-385a or 385c. |
| (2) Habits and traits of character.....                           | NMC-385a or 385c. |
| (3) Fraudulent enlistment, or fraudulent extension of enlistment. | NMC-385a or 385c. |
| (4) Conviction by a civil court.....                              | NMC-385a or 385c. |
| (5) Other grounds.....  | NMC-385a or 385c. |
| (m) By reason of fraudulent under-age enlistment...               | NMC-385a or 385c. |

## Class 3. Bad-conduct discharge:

- |  |                   |
|--|-------------------|
| (n) By sentence of summary or general court martial. | NMC-385 (yellow). |
|--|-------------------|

## Class 4. Dishonorable discharge:

- |   |                    |
|---|--------------------|
| (o) By sentence of general court martial..... | NMC-385b (yellow). |
|---|--------------------|

There may be difficult questions and problems arising in connection with forms and reasons for Navy and Marine Corps discharge certificates, the same as with the Army documents. The above outline does not set forth all the details of the governing regulations, and these questions should be referred to the appropriate authorities for exact information.

It is well known that the Navy has a system of proficiency and conduct marks which are computed on the basis of several considerations. No attempt is made to analyze that procedure. For further information concerning discharge certificates, communications should be addressed to the service department concerned.

**RIGHTS UNDER VETERANS' LAWS BARRED BY CERTAIN TYPES OF DISCHARGE**

Under the Servicemen's Readjustment Act of 1944 it is provided that the discharge or dismissal by reason of a sentence of a general court martial of any person from the military or naval forces, or the discharge of any such person on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, or as a deserter, or if an officer by the acceptance of his resignation for the good of the service, shall bar all rights of such person, based upon the period of service from which he is so discharged or dismissed, under any laws administered by the Veterans' Administration. However, in the case of any such person, if it is established to the satisfaction of the Administrator of Veterans' Affairs that at the time of the commission of the offense such person was insane, he may not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration.

This provision does not apply to any war risk, Government (converted), or national service life insurance policy. (Sec. 300, Public Law 346, 78th Cong., approved June 22, 1944.)

**REVIEW OF TYPE AND NATURE OF SERVICE MEMBER'S DISCHARGE OR DISMISSAL FROM MILITARY OR NAVAL FORCES**

The Secretary of War and the Secretary of the Navy, after conference with the Administrator of Veterans' Affairs, are authorized and directed to establish in the War and Navy Departments, respectively, boards of review composed of five members each, whose duties shall be to review, on their own motion or upon the request of a former officer or enlisted man or woman or, if deceased, by the surviving spouse, next of kin, or legal representative, the type and nature of his discharge or dismissal, except a discharge or dismissal by reason of the sentence of a general court martial. Such review shall be based upon all available records of the service department relating to the person requesting such review, and such other evidence as may be presented by such person. Witnesses shall be permitted to present testimony either in person or by affidavit and the person requesting review shall be allowed to appear before such board in person or by counsel. The term "counsel" as used herein shall be construed to include, among others, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the Act of June 29, 1936 (Public Law Numbered 844, Seventy-fourth Congress). Such board shall have authority, except in the case of a discharge or dismissal by reason of the sentence of a general court martial, to change, correct, or modify any discharge or dismissal, and to issue a new discharge in accord with the facts presented to the board. The findings of such board are final, subject only to review by the Secretary of War or the Secretary of the Navy, respectively. No request for review by such board of a discharge or dismissal under the foregoing provisions shall be valid unless filed within fifteen years after such discharge or dismissal or within fifteen years after the effective date of the Servicemen's Adjustment Act of 1944, whichever be the later. (Sec. 301, Public Law 346, 78th Cong., approved June 22, 1944.)

**PART III**  
**MONETARY BENEFITS FOR VETERANS**  
**EXPLANATORY**

Prior to the enactment of the Economy Act of March 20, 1933 (Public Law 2, 73d Cong.), monetary benefits, designated pensions, were payable under the general pension law for service-connected disability or death based upon service subsequent to March 4, 1861, excluding World War I. Similar benefits, known as service pensions were also payable to veterans and the dependents of deceased veterans of the various wars prior to World War I, for non-service-connected disability or death, based upon length of service and disability of a permanent character of such degree as to incapacitate the disabled person from earning a support, or age.

The World War Veterans' Act, 1924, as amended, provided for payment of compensation for death or disability directly or presumptively incurred in or aggravated by military or naval service in World War I on or after April 6, 1917, and before July 2, 1921, and of disability allowance for permanent disabilities partial or total in degree which were not due to service. Provision was also made for payment of compensation for disability or death resulting from injuries received in connection with training, hospitalization, medical or surgical treatment, etc.

Retirement benefits were also provided for officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard based upon length of service, disability, or age including benefits for emergency officers of the Army, Navy, and Marine Corps during World War I, retired for disability.

Section 17 of the act of March 20, 1933, subject to certain saving provisions, repealed all public laws granting medical or hospital treatment, domiciliary care, compensation and other allowances, pension, disability allowance or retirement pay to veterans and the dependents of veterans of the Spanish-American War, Philippine Insurrection, Boxer Rebellion, and World War I or to former members of the military or naval service for injury or disease incurred or aggravated in line of duty in the military or naval service, except so far as they related to persons who served prior to the Spanish-American War and the dependents of such persons and to the retirement of officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard. This act and Veterans Regulations promulgated thereunder provided a new system of relief for veterans and the dependents of deceased veterans whose rights to monetary and other benefits were affected by the laws thus repealed.

The act of March 20, 1933, and Veterans Regulations promulgated pursuant thereto, as amended, provide for payment of compensation or pensions at wartime rates for death or disability not the result of



misconduct incurred or aggravated in line of duty in active military or naval service during the Spanish-American War, Philippine Insurrection, Boxer Rebellion, World War I, or World War II as service during these war periods is defined therein, and at peacetime rates, which are approximately 75 percent of the wartime rates, for death or disability, not the result of misconduct, incurred or aggravated in line of duty in active military or naval service other than in a period of war service as defined therein and after April 21, 1898, and where certain service requirements are met, for pensions to veterans of World War I and World War II, the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, for non-service-connected permanent and total disabilities not the result of misconduct and to the dependents of such veterans who served in the Spanish-American War, Philippine Insurrection, or Boxer Rebellion who are deceased.

Under the act of March 20, 1933, and the Veterans Regulations, as amended, World War I is considered to have ended with the cessation of hostilities on November 11, 1918, or April 1, 1920, if there was service in Russia. However, except with respect to emergency officers' retirement pay, service during a reenlistment in the military or naval service on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, is considered World War I service.

There are approximately 7,198 veterans of World War I who enlisted on or after November 12, 1918, and had no prior service between April 6, 1917, and November 11, 1918, hence these veterans and their dependents are not entitled to wartime rates, except under the provisions of Public Law 359, Seventy-seventh Congress, December 19, 1941, hereinafter discussed, but are entitled to rates authorized for peacetime service. Similarly, certain veterans and the dependents of certain veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion are not entitled to wartime rates under the act of March 20, 1933 and the Veterans Regulations because their service is not considered wartime service as defined therein, but are entitled rather to peacetime rates, except under the provisions of Public Law 359, Seventy-seventh Congress, December 19, 1941.

Veterans of the present war, World War II, originally, were not entitled to wartime rates under the act of March 20, 1933, and the Veterans Regulations as service in World War II was not defined therein, and pension at peacetime rates, in accordance with the eligibility requirements for peacetime service, was payable in such cases. However, upon the enactment of Public Law 359, Seventy-seventh Congress, December 19, 1941, authorizing pension at wartime rates for veterans and the dependents of veterans entitled to pension under part II, Veterans Regulation No. 1 (a), as amended, or the general pension law for service-connected disability or death if the disability or death resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war, veterans of World War II became eligible for pension at wartime rates, but were still governed by the eligibility requirements applicable to peacetime service. Under a recent law enacted by the Congress (Public Law 144, Seventy-eighth Congress, July 13, 1943) the service of veterans of World War II for the period on or after December 7, 1941, and before

termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress has been included in part I of Veterans Regulation No. 1 (a), as amended, as wartime service, and the eligibility requirements as well as the rates for wartime service are now applicable in such cases.

The monthly rates of compensation or pension payable to veterans of World War I and World War II, including veterans entitled to wartime rates under Public Law 359, Seventy-seventh Congress, December 19, 1941, for service on or after September 16, 1940, for service-incurred disability, not including the special awards and allowances fixed by law, which are payable under any laws or regulations administered by the Veterans' Administration were increased by 15 per centum, effective June 1, 1944. (Public Law 312, 78th Cong., May 27, 1944.)

Under Public Law 359, Seventy-seventh Congress, any veteran entitled to pension under part II of Veterans Regulation No. 1 (a), as amended, or the general pension law for service-connected disability is entitled to the wartime rates prescribed in part I of said Regulation, as amended, where the conditions of the statute are met and the dependents of any deceased veteran whose death resulted from injury or disease received in line of duty under such conditions, otherwise entitled to pension under part II of Veterans Regulation No. 1 (a), as amended, or the general pension law are entitled to pension at the rates provided for service-connected death compensation benefits for dependents of World War I veterans. As to dependents, other than the dependent mother or father of the deceased veteran, these rates were increased by section 14 (a), Public Law 144, Seventy-eighth Congress, July 13, 1943.

Public Law 141, Seventy-third Congress, March 28, 1934, reenacted, with limitations, many of the provisions of the World War Veterans' Act, 1924, as amended, including the provision authorizing payment of compensation for injury or death as the result of training, hospitalization, medical or surgical treatment, etc., and reenacted, with limitations, all laws in effect on March 19, 1933, granting monetary benefits to veterans of the Spanish-American War, Philippine Insurrection, and Boxer Rebellion, with provision for payment of pension at reduced rates and subject to certain limitations, to veterans and the dependents of deceased veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion in receipt of pension on March 19, 1933. With respect to veterans of World War I in receipt, except by fraud, mistake, or misrepresentation, of compensation on March 19, 1943, for loss of use of both eyes, the act of March 28, 1934, provided that such compensation should not be reduced or discontinued, except in accordance with regulations pertaining to hospitalized cases. This provision was later modified by Public Law 196, Seventy-sixth Congress, July 19, 1939, as to veterans of World War I suffering from certain misconduct disabilities in receipt of compensation therefor on March 19, 1933, and their dependents. Section 7 of Public Law 866, Seventy-sixth Congress, approved October 17, 1940, however, removed the requirement that the veteran must have been on the rolls March 19, 1933, and provided for death compensation benefits under Public Law 484, Seventy-third Congress, June 28, 1934, as amended, for the dependents of those comprehended by this provision. The Act of March 28, 1934 restored to the rolls those veterans of World

War I who were in receipt of compensation under the World War Veterans' Act, 1924, as amended, for disabilities directly or presumptively connected with service under that act and who had been removed from the rolls by the enactment of Public Law 2, Seventy-third Congress, March 20, 1933, provided they could meet the eligibility requirements of the act of March 28, 1934, and authorized payment of compensation to veterans of World War I not on the rolls on March 19, 1933, who are able to meet the eligibility requirements of that act.

The general pension law and service pension acts applicable to veterans and the dependents of veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, which were repealed by the act of March 20, 1933, and reenacted, with limitations, by the act of March 28, 1934, were later reenacted as they stood prior to their repeal, by Public Law 269, Seventy-fourth Congress, August 13, 1935.

The foregoing statutory enactments and the Veterans Regulations, as amended or modified by later statutes, are the basic laws administered by the Veterans' Administration under which monetary benefits are payable to veterans and the dependents of deceased veterans of the various wars and the Regular Establishment. The different groups of veterans or their dependents may be entitled to monetary benefits for service-connected or non-service-connected disability or death under various laws administered by the Veterans' Administration. Where the claimant is entitled to monetary benefits under more than one provision of law and regulations, he will be awarded and paid the greater benefit.

#### G. I. BILL OF RIGHTS

The so-called G. I. bill of rights was enacted into law as Public Law 346, Seventy-eighth Congress, June 22, 1944. It is cited throughout this manual as the Servicemen's Readjustment Act of 1944.

The act relates to hospital and domiciliary facilities, claims and claim procedures, aid by veterans' organizations, types of discharges which bar all rights to certain benefits, establishment of review boards in such cases and where an officer is retired or released to inactive service without pay for physical disability pursuant to a decision of a retiring board, education of veterans, guaranty by the Administrator of Veterans' Affairs of loans for the purchase or construction of homes, farms and business property, employment of veterans and readjustment allowances for former members of the armed forces who are unemployed, which subjects are discussed in detail under the appropriate heading.

Except as otherwise provided in the act the administrative, definitive, and penal provisions under Public Law 2, Seventy-third Congress, as amended, and the provisions of Public Law 262, Seventy-fourth Congress, as amended, are applicable to the act.

For the purpose of carrying out any of the provisions of Public Law 2, Seventy-third Congress, as amended, and the Servicemen's Readjustment Act of 1944, the Administrator of Veterans' Affairs is authorized to accept uncompensated services and to enter into contracts or agreements with private or public agencies or persons for necessary services, including personal services, as he may deem practicable.

The act among other things provides that in the event there shall hereafter be authorized any allowance in the nature of adjusted compensation, any benefits received by, or paid for, any veteran under this act shall be charged against and deducted from such adjusted compensation; and in the event a veteran has obtained a loan under the terms of this act, the agency disbursing such adjusted compensation shall first pay the unpaid balance and accrued interest due on such loan to the holder of the evidence of such indebtedness to the extent that the amount of adjusted compensation which may be payable will permit.

## FOR SERVICE-CONNECTED DISABILITIES

### AS TO VETERANS OF WORLD WAR I

Veterans of World War I may be entitled to compensation for service-connected disability under Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations, as modified or amended, or under Public Law 141, Seventy-third Congress, March 28, 1934, as modified or amended. The eligibility requirements and rates differ under each statute but the administrative, definitive and regulatory provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations, as now or hereafter amended, were recently made applicable to benefits provided under Public Law 141, Seventy-third Congress, March 28, 1934, as amended. (Sec. 1, Public Law 144, 78th Cong., approved July 13, 1943.)

### UNDER PUBLIC LAW 2, SEVENTY-THIRD CONGRESS, MARCH 20, 1933, AND VETERANS REGULATIONS, AS MODIFIED OR AMENDED

Compensation under part I, Veterans Regulation No. 1 (a), as amended, is payable for disability resulting from injury or disease incurred or aggravated in line of duty in active military or naval service in World War I between April 6, 1917, and November 11, 1918, or April 1, 1920, if there was service in Russia, or during a reenlistment on or after November 12, 1918, and before July 2, 1921, if there was prior service between April 6, 1917, and November 11, 1918. Compensation is not payable if the disability is the result of the person's own misconduct. The monthly rates of compensation payable range from \$10 to \$100 per month, with special rates or allowances for specific disabilities ranging as high as \$250 per month. The monthly rates of compensation payable to veterans of World War I for service-incurred disability, not including the special awards and allowances fixed by law were increased by 15 percent, effective June 1, 1944, by Public Law 312, Seventy-eighth Congress, approved May 27, 1944.

An injury or disease will be deemed to have been incurred in line of duty when the veteran was, at the time the injury was suffered, or disease contracted, in the active service in the military or naval forces, whether on active duty or on authorized leave, unless it appears that the injury or disease has been caused by misconduct on his part. However, the requirements will not be met if it appears that, at the time the injury was suffered or the disease contracted the veteran was avoiding duty by deserting the service or absenting

himself without leave, was confined under sentence of court martial or civil court, or was resisting lawful arrest, or was relieved from all active duty by command of his superior officer as a result of the intemperate use of drugs or alcoholic liquor or because of injury or disease suffered or contracted by his own misconduct; or was acting in disobedience of the lawful orders of his superior officer or in violation of the rules and regulations of his organization; or, whether at his post or lawfully absent, if the injury or disease was, in fact, caused by something not involving misconduct, but was incurred while pursuing some private business or avocation. Where the injury or disease occurs while on leave, the burden of proof is on the claimant to show that it was incurred in line of duty, but where the injury or disease occurs while at camp, or post of duty, the burden is on the Government. (Par. VIII, Veterans Regulation No. 10, as amended by Public Law 648, 75th Cong., approved June 16, 1938 )

*Presumption of sound condition.*

Every person employed in the active military or naval service during World War I as defined in part I, Veterans Regulation No. 1 (a), as amended, must be taken to have been in sound condition when examined, accepted, and enrolled for service except as to defects, infirmities, or disorders noted at time of examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed prior to acceptance and enrollment and was not aggravated by such active military or naval service. (Par I (b), pt I, Veterans Regulation No. 1 (a), as amended by sec. 9 (b), Public Law 144, 78th Cong., approved July 13, 1943.)

*Presumption as to service connection.*

A chronic disease becoming manifest to a degree of 10 percent or more within 1 year from date of separation from active service in World War I, as such service is defined in part I, Veterans Regulation No. 1 (a), as amended, shall be considered to have been incurred in or aggravated by service notwithstanding there is no record of evidence of such disease during the period of active service, provided the person suffering from such disease served 90 days or more in the active service. However, where there is affirmative evidence to the contrary or evidence to establish that an intercurrent injury or disease which is a recognized cause of such chronic disease has been suffered between the date of discharge and the onset of the chronic disease, or the disability is due to the person's own misconduct, service connection will not be in order. Service connection for chronic diseases is restricted by regulations to certain specified conditions. For a list of chronic diseases to which this presumption applies, see page 115. Active tuberculosis, diagnosed by approved methods during the second year will be held to have preexisted the diagnosis 6 months in minimal (incipient) cases; 9 months in moderately advanced cases; and 12 months in far advanced cases (par. I (c), pt. I, Veterans Regulation No. I (a)).

*Miscunduct.*

A disability will be held to have resulted from misconduct when it is due to venereal disease, unless it is affirmatively shown that the disease was, in fact, innocently acquired, or when caused by an act of commission or omission, wrong in itself; or by an act contrary to the

principles of good morals; or as a result of gross negligence, gross carelessness, alcoholism, drug addiction, or self-infliction of wounds. Gross negligence or gross carelessness means want of slight care. (Par. IX, Veterans Regulation No. 10, as amended by Public Law 648, 75th Cong., approved June 16, 1938.)

*Character of discharge.*

Under Veterans Regulation No. 1 (a), as amended, it is provided that the period of active service upon which claim is based must have been terminated by an honorable discharge. This requirement has been modified by the Servicemen's Readjustment Act of 1944, which provides that a discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to veterans' benefits provided by Public Law 2, Seventy-third Congress, as amended. An officer who resigned from the service under honorable conditions will be considered as having been honorably discharged. A soldier, sailor or marine who served as an enlisted man between April 6, 1917, and November 11, 1918, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age is considered to have been discharged honorably from the military or naval service if his service otherwise was such as would have entitled him to an honorable discharge (Veterans Regulation No. 1 (a), as amended; Public Law 467, 75th Cong., approved March 3, 1936; Public Law 412, 76th Cong., approved February 9, 1940 (sec. 1503, Public Law 346, 78th Cong., June 22, 1944).)

*Draftees and persons provisionally accepted for service.*

Any person who on or after April 6, 1917, and prior to November 12, 1918, applied for enlistment or enrollment in the active military or naval forces and who was provisionally accepted and directed or ordered to report to a place for final acceptance into such military service, or who was drafted and after reporting pursuant to the call of his local draft board and prior to rejection, or after being called into the Federal service as a member of the National Guard but before being enrolled for Federal service, suffered an injury or disease in line of duty and not the result of his own misconduct is considered to have incurred such disability in active military or naval service during the period of World War I (par. III, pt. I, Veterans Regulation No. 1 (a)).

**UNDER PUBLIC LAW 141, SEVENTY-THIRD CONGRESS, MARCH 28, 1934,  
AS MODIFIED OR AMENDED**

Subject to the provisions of Public Law 141, Seventy-third Congress, March 28, 1934, as modified or amended, compensation is payable in accordance with the provisions of and at the rates (or 75 percent of the rates, if the disability is presumptively connected with service) payable under the World War Veterans' Act, 1924, as amended, for disabilities directly or presumptively connected with service entered into on or after April 6, 1917, and prior to November 12, 1918, or prior to April 2, 1920, if there was service in Russia, and incurred or aggravated prior to July 2, 1921, or during a reenlistment entered into on or after November 12, 1918, and before July 2, 1921, if there was prior service between April 6, 1917, and November 11, 1918, and incurred or aggravated prior to July 2, 1921. Except with respect to veterans suffering from paralysis, paresis, or blindness, or who are

helpless or bedridden as the result of any disability, the disability must not have been caused by the veteran's willful misconduct.

The act of March 28, 1934, provides that compensation being paid on March 19, 1933, to veterans for the loss of use of both eyes, who were, except by fraud, mistake, or misrepresentation, in receipt of compensation on March 19, 1933, may not be reduced or discontinued except in accordance with regulations issued under the act of March 20, 1933, pertaining to hospitalized cases. Compensation for such disability is payable at the rate of \$150 per month with an additional allowance of \$50 per month where the disabled veteran is so helpless as to be in need of a nurse or attendant.

The act further provides for the continuation of payments at the rates being paid on March 19, 1933, to those persons who meet the requirements of World War I service as set forth above and whose disabilities are not the result of their own willful misconduct, where they were, except by fraud, mistake, or misrepresentation of a material fact or unmistakable error in receipt of compensation on March 19, 1933, for directly service-connected disabilities. As to those persons who meet the service requirements and were in receipt of compensation on March 19, 1933, for disabilities, not the result of their own willful misconduct, which were connected with service by virtue of the statutory presumptions contained in the World War Veterans' Act, 1924, as amended, the act of March 28, 1934, reestablishes service connection which had been severed through the application of the act of March 20, 1933, and the Veterans Regulations, except where such service connection was established by fraud, clear or unmistakable error, or misrepresentation of material facts. The compensation payable in such cases is 75 percent of the rates being paid on March 19, 1933. The protection of the rates being paid on March 19, 1933, does not apply where there is a change in the degree of disability.

Compensation is payable for temporary disabilities at monthly rates ranging from \$6 to \$80, with additional allowances for dependents, and for permanent disabilities at monthly rates ranging from \$7.50 to \$100. Special statutory rates or allowances for specific disabilities range as high as \$300 per month. The monthly rates of compensation payable to veterans of World War I for service-incurred disability, not including the special awards and allowances fixed by law were increased by 15 percent effective June 1, 1944, by Public Law 312, Seventy-eighth Congress, approved May 27, 1944. Disabilities are evaluated as far as practicable upon the basis of average impairments of earning capacity resulting from such injuries in civil occupations similar to the occupation of the veteran at time of enlistment. Impairment in ability to secure employment is also considered.

#### *Presumption of sound condition.*

Under the World War Veterans' Act, 1924, as amended, veterans of World War I were conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record. This presumption of soundness is for application in establishing entitlement to compensation under Public Law 141, Seventy-third Congress, as amended

except that it may not apply to persons as to whom clear and unmistakable evidence discloses that the disease, injury, or disability had inception before or after the period of active military or naval service, unless such disease, injury, or disability is shown to have been aggravated during service; and in any review of the case of any veteran to whom compensation was being paid on March 19, 1933, for service-connected disability, reasonable doubts will be resolved in favor of the veteran, the burden of proof being on the Government. (Sec. 200, World War Veterans Act, 1924, as amended; sec. 28, Public Law 141, 73d Cong., approved March 28, 1934.)

*Presumption as to service connection.*

Disability from neuropsychiatric disease, spinal meningitis, active tuberculosis, paralysis agitans, encephalitis lethargica, or amoebic dysentery, shown to have existed to a 10-percent degree or more prior to January 1, 1925, is presumed to have been incurred or aggravated in active military or naval service. This presumption is conclusive in cases of active tuberculosis disease and spinal meningitis, but in all other cases the presumption is rebuttable by clear and convincing evidence that the disease had its inception prior or subsequent to the period of active service. (Sec. 200, World War Veterans' Act, 1924, as amended.)

*Willful misconduct.*

The term "willful misconduct" is not specifically defined by law or regulation for the purposes of benefits provided under Public Law 141, Seventy-third Congress, and the definition of that term established by precedents under section 200, World War Veterans' Act, 1924, as amended, is applied.

*Character of discharge.*

An honorable discharge is not prerequisite to entitlement to benefits under Public Law 141, Seventy-third Congress. The character of discharge, however, may serve as a bar to entitlement to benefits thereunder. The discharge or dismissal of any person from the military or naval forces on the ground that he was guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he was found guilty by a court martial, or that he was an alien, conscientious objector who refused to perform military duty or refused to wear the uniform, or a deserter, bars all rights to compensation. However, this provision does not apply to an alien who volunteered, or who was drafted into, or who served in the Army, Navy, or Marine Corps of the United States during World War I, who was discharged subsequent to November 11, 1918, or who was not discharged from the service on or prior to November 11, 1918, on his own application or solicitation by reason of his being an alien and whose service was honest and faithful. Where any person was discharged or dismissed from the military or naval service as the result of a court-martial trial and it is thereafter established to the satisfaction of the Administrator of Veterans' Affairs that at the time of the commission of the offense resulting in such court-martial trial and discharge such person was insane, he will be entitled to compensation. The discharge or dismissal or finding of guilt for any of the offenses specified above does not affect payment of compensation for disabilities incurred in or aggravated in any prior or subsequent



enlistment. No compensation is payable for death inflicted as a lawful punishment for crime or military offense except when inflicted by the enemy. The discharge of a person for having concealed the fact that he was a minor at the time of his enlistment does not bar him from the benefits of this act if his service was otherwise honorable (Sec. 23, World War Veterans' Act, 1924, as amended.)

*Draftees and persons provisionally accepted for service.*

Any person who, between April 6, 1917, and November 11, 1918, applied for enlistment or enrollment in the military or naval forces and who was accepted provisionally and directed or ordered to a camp, post, station, or other place for final acceptance into such service, or who after induction by the local draft board or after being called into Federal service as a member of the National Guard, but before being accepted and enrolled for active service, became disabled as a result of disease contracted or injury suffered in the line of duty and not due to his own willful misconduct involving moral turpitude, or as a result of the aggravation, in the line of duty and not because of his own willful misconduct involving moral turpitude, of an existing disease or injury, is entitled to compensation payable under this act (secs. 24, 25, World War Veterans' Act, 1924, as amended).

**AS TO VETERANS OF WORLD WAR II**

Pension is payable to veterans of World War II for disability resulting from injury or disease incurred or aggravated in line of duty and not the result of misconduct during an enlistment or employment entered into on or after December 7, 1941, and before termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress (par. I (a), pt I, Veterans Regulation No. 1 (a), as amended by sec. 9 (a), Public Law 144, 78th Cong., approved July 13, 1943).

The rates of pension payable, including a 15 per cent increase in the monthly rate of pension payable for service-incurred disability (but not including special awards and allowances fixed by law), and the eligibility requirements are the same as those prescribed for veterans of World War I under Public Law 2, Seventy-third Congress, and part I of Veterans Regulation No. 1 (a), as amended, except as to the period of service.

Service as a cadet at the United States Military Academy or as a midshipman at the United States Naval Academy or as a cadet at the United States Coast Guard Academy during the period specified as World War II service is considered active military or naval service in World War II for the purposes of laws administered by the Veterans' Administration (sec. 10, Public Law 144, 78th Cong., approved July 13, 1943).

Under the Servicemen's Readjustment Act of 1944 it is provided that no person in the armed forces shall be required to sign a statement of any nature relating to the origin, incurrence, or aggravation of any disease or injury he may have, and that any such statement against his own interest signed at any time shall be null and void and of no force and effect. (Sec. 105, Public Law 346, 78th Cong., approved June 22, 1944.)

*Draftees and person provisionally accepted for service.*

Any person who, on or after August 27, 1940, and prior to termination of the present hostilities, has applied or shall hereafter apply for enlistment or enrollment in the active military or naval forces and who was or shall be provisionally accepted, and directed or ordered to report to a place for final acceptance into such military or naval service, or who was or is selected for service and after reporting pursuant to the call of his local board and prior to rejection, or who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service suffered or shall suffer an injury or a disease in line of duty and not the result of his own misconduct, will be considered to have incurred such disability in active military or naval service. Payments of pension to those who establish eligibility under the provisions of this act will not be effective prior to the date of enactment thereof. (Public Law 300, approved May 11, 1944.)

**AS TO VETERANS OF THE SPANISH-AMERICAN WAR, PHILIPPINE INSURRECTION,  
OR BOXER REBELLION**

Veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion may be entitled to pension for service-connected disabilities under part I, Veterans Regulation No. 1 (a), as amended, or under the general pension law, as reenacted by Public Law 269, Seventy-fourth Congress, August 13, 1935.

Pension under part I, Veterans Regulation No. 1 (a), is payable for disability not the result of misconduct incurred or aggravated in line of duty in active military or naval service during the period of service prescribed therein for the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, as follows:

*Spanish-American War.*—Active service between April 21, 1898, and August 12, 1898; or during an enlistment on or after April 21, 1898, and before August 12, 1898, where injury incurred or aggravated prior to July 5, 1902.

*Philippine Insurrection.*—Actual participation in the Philippine Insurrection between August 13, 1898, and July 4, 1902, or before July 16, 1903, in Moro Province.

*Boxer Rebellion.*—Actual participation in the Boxer Rebellion between June 20, 1900, and May 12, 1901.

The rates and eligibility requirements are the same as those prescribed for veterans of World War I under part I, Veterans Regulation No. 1 (a), as amended. However, the 15 percent increase in the monthly rate payable for service-incurred disability is not payable to veterans of the Spanish-American War, Philippine Insurrection or Boxer Rebellion.

A soldier, sailor, or marine who served as an enlisted man between April 21, 1898, and July 4, 1902, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age is considered to have been discharged honorably from the military or naval service if his service otherwise was such as would have entitled him to an honorable discharge (Public Law 108, 75th Cong., approved May 25, 1937; Public Law 697, 75th Cong., approved June 22, 1938).

Pension under the general pension law is payable only for injury or disease actually incurred or contracted (as distinguished from aggravated) in active military or naval service in line of duty. Mere aggravation in the service of a preexisting disease is not pensionable.

All applicants for pension under the general pension law are presumed to have had no disability at the time of enlistment but such presumption may be rebutted.

The character of discharge is not material under the general pension law. A dishonorable discharge is no bar to pension on account of a disability incurred in the service in line of duty.

There is no provision as to misconduct. However, the requirement that the disability must have been incurred "in line of duty" is tantamount to a requirement that the disability must not be due to misconduct.

The rates range from \$6 to \$125 and may be dependent on or regardless of rank.

Veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion entitled to pension for service-connected disabilities under the general pension law as reenacted by Public Law 269, Seventy-fourth Congress, approved August 13, 1935, may be paid the rates payable under part I, Veterans Regulation No. 1 (a), as amended, by virtue of Public Law 359, Seventy-seventh Congress, December 19, 1941, referred to on page 57 as service in these engagements is considered service "while the United States is engaged in war" within the meaning of that law. The eligibility requirements in such cases are those prescribed by the general pension law and the rates those prescribed by part I, Veterans Regulation No. 1 (a), as amended.

The administrative, definitive, and regulatory provisions of Public Law 2, March 20, 1933, and the Veterans Regulations as now or hereafter amended, were recently made applicable to benefits provided under the general pension law as reenacted by Public Law 269, Seventy-fourth Congress, August 13, 1935. (Sec. 1, Public Law 144, 78th Cong., approved July 13, 1935.)

#### AS TO VETERANS OF THE CIVIL WAR AND INDIAN WARS

Pension for service-connected disabilities is payable to veterans of the Civil War and Indian Wars under the general pension law at the rates provided under that law or under part I of Veterans Regulation No. 1, as amended. The eligibility requirements prescribed by and the rates payable under the general pension law are the same as those referred to above for veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion.

The Civil War period extended from April 15, 1861, to August 20, 1866. The Indian wars extended over the period January 1, 1817, to December 31, 1898.

The rates prescribed by part I, Veterans Regulation No. 1 (a), as amended, may be paid where the veteran is entitled to pension under the general pension law, and in accordance with the eligibility requirements of the general pension law, by virtue of Public Law 359, Seventy-seventh Congress, December 19, 1941, as service in the Civil War is considered service "while the United States is engaged in war" and service in the various Indian wars is considered combat or extra hazardous or war service within the meaning of that law.

## AS TO VETERANS OF PEACETIME SERVICE

Under part II, Veterans Regulation No. 1 (a), as amended, pension is payable for disability resulting from personal injury or disease incurred in or aggravated in line of duty by active military or naval service on or after April 21, 1898 other than in a war period as defined in part I of said Regulation, but no pension is payable if the disability is the result of the person's own misconduct.

The rates payable range from \$7.50 to \$187.50 per month.

Active service, including service for training purposes, performed by a Reserve officer or member of the Enlisted Reserves of the United States Army, Navy, or Marine Corps, is considered active military or naval service for the purpose of benefits provided under part II of Veterans Regulation No. 1 (a), as amended, and it is not required that the Reserve officer or enlisted man shall have been discharged from service. (Public Law 159, 75th Cong., approved June 23, 1937.)

Members of the Naval Reserve are considered as performing active military or naval service while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties. (Sec. 304, Public Law 732, 75th Cong., approved June 25, 1938.)

Where a person who is eligible for pension under part II of Veterans Regulation No. 1 (a), as amended, is also eligible for the benefits of the Employees' Compensation Act, he must elect which benefit he desires to receive. Pension may not be paid concurrently, with active-duty pay or employees' compensation. (Public Law 159, 75th Cong., approved June 23, 1937; sec. 304, Public Law 732, 75th Cong., approved June 25, 1938; Public Law 179, 76th Cong., approved July 15, 1939; Public Law 747, 76th Cong., approved July 18, 1940.)

*Presumption of Sound Condition.*

Every person employed in the active military or naval service for 6 months or more must be taken to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities, or disorders noted at time of the examination, acceptance and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed prior to acceptance and enrollment (par. I (b), part II, Veterans Regulation No. 1 (a)).

The eligibility requirements relating to line of duty, misconduct, and character of discharge are the same as those for wartime service under part I, Veterans Regulation No. 1 (a), as amended, heretofore mentioned.

Pension is also payable under the general pension law for injury or disease actually incurred or contracted (as distinguished from aggravated) in line of duty in active military or naval service prior to April 21, 1898, or under the general pension law as reenacted by Public Law 269, 74th Congress, August 13, 1935, where the disability was incurred or contracted in service on or after April 21, 1898, and prior to July 5, 1902, or before July 16, 1903, if in the Moro Province. The general pension law makes no distinction between wartime or peacetime service and the eligibility requirements to establish entitlement under the general pension law or the general pension law, as reenacted, are the same as those relating to Civil War, Indian wars, or Spanish-American War service, including the Philippine Insurrection and Boxer Rebellion.

Veterans entitled to pension under the general pension law on account of disabilities incurred in peace time service prior to April 21, 1898, are entitled to the rates provided by the general pension law or those provided by part II, Veterans Regulation No. 1 (a), as amended. (Public Law 553, 76th Cong., approved June 6, 1940.)

Veterans entitled to pension under part II, Veterans Regulation No. 1 (a), as amended, or the general pension law, are entitled to receive pension at wartime rates as provided in part I, Veterans Regulation No. 1 (a), as amended, if the disability resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war. (Public Law 359, 77th Cong., approved December 19, 1941)

The monthly rates of pension payable to veterans entitled to wartime rates under Public Law 359, Seventy-seventh Congress, December 19, 1941, for service on or after September 16, 1940, for service-incurred disability, not including the special awards and allowances fixed by law, which are payable under any laws administered by the Veterans' Administration were increased by 15 percent effective June 1, 1944. (Public Law 312, 78th Congress, approved May 27, 1944.)

By virtue of the provisions of Public Law 359, Seventy-seventh Congress, many veterans who served during World War I, the Spanish-American War, Philippine Insurrection, Boxer Rebellion, or prior to World War II, during the national emergency and whose service is not considered wartime service under part I, Veterans Regulation No. 1 (a), as amended, may be eligible for pension at wartime rates where the disability was received in line of duty under the conditions therein stated.

#### **SEEING-EYE OR GUIDE DOGS AND MECHANICAL AND ELECTRONIC EQUIPMENT FOR BLIND VETERANS**

The Administrator of Veterans' Affairs, under such regulations as he may prescribe is authorized to provide seeing-eye or guide dogs trained for the aid of blind veterans who are entitled to disability compensation under laws administered by the Veterans' Administration and to pay all necessary travel expenses to and from their homes and in becoming adjusted to such seeing-eye dogs and to provide such veterans with mechanical and electronic equipment for aiding them in overcoming the handicap of blindness. (Public Law 309, 78th Cong., approved May 24, 1944.)

#### **FOR NON-SERVICE-CONNECTED DISABILITIES**

##### **AS TO VETERANS OF WORLD WAR I**

Any World War I veteran who served in the active military or naval service during World War I between April 6, 1917, and November 11, 1918, or April 1, 1920, if there was service in Russia, or during a reenlistment on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, for a period of 90 days or more, and who was honorably discharged therefrom, or who, having served less than 90 days was discharged for disability incurred in the service in line

of duty, who is shown to have been in active service therein before the cessation of hostilities may be entitled to receive a pension for permanent total disability not the result of his misconduct and which is not shown to have been incurred in any period of military or naval service. In determining the period of service, it is not requisite that the 90 days' period of service shall have been completed before the cessation of hostilities. It is necessary however, that the veteran shall have entered service prior to the cessation of hostilities and shall have served continuously thereafter for 90 days. A period of continuous active service for 90 days which commenced prior to and extended into a period of hostilities will meet the service requirements (part III, Veterans Regulation No. 1 (a), as amended). The requirement as to honorable discharge was modified by the Servicemen's Readjustment Act of 1944, which provides that a discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to benefits provided by Public Law 2, Seventy-third Congress, as amended. (Sec. 1503, Public Law 346, 78th Cong., June 22, 1944.)

The rate of pension payable in such cases is \$50 monthly, except that where the veteran shall have been rated permanent and total and in receipt of pension for a continuous period of 10 years or reaches the age of 65 years, the amount of pension is \$60 monthly. However, this pension is not payable if the veteran's income, if he is unmarried, exceeds \$1,000, or if he is married, or has minor children, exceeds \$2,500. In determining annual income, payments of war-risk-term insurance, United States Government life (converted) insurance, national service life insurance, payments under the World War Adjusted Compensation Act, as amended, the Adjusted Compensation Payment Act, 1936, and amounts received as overtime compensation or additional compensation for overtime employment in Federal Government service may not be considered (pt. III, Veterans Regulation No. 1 (a), as amended by Public Law 601, 77th Cong., approved June 10, 1942; sec. 403, Public Law 844, 74th Cong., approved June 29, 1936; sec. 12, Public Law 49, 78th Cong., approved May 7, 1943; Public Law 313, 78th Cong., May 27, 1944.)

#### AS TO VETERANS OF WORLD WAR II

Pensions for permanent total non-service-connected disabilities under part III, Veterans Regulation No. 1 (a), as amended, at the same rates and under the same conditions as those prescribed for veterans of World War I, except as to the period of service, were recently authorized for veterans of World War II. (Public Law 313, 78th Cong., May 27, 1944.)

The period of service applicable to veterans of World War II extends from on or after December 7, 1941, to termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress. (Sec. 9 (a), Public Law 144, 78th Cong., July 13, 1943.)

#### AS TO VETERANS OF THE SPANISH-AMERICAN WAR, PHILIPPINE INSURRECTION, AND BOXER REBELLION

Pensions for permanent total non-service-connected disabilities are payable to veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, under part III, Veterans Regulation No.

1 (a), as amended, at the same rates and under the same conditions, except as to the period of service, and as hereinafter mentioned, as those prescribed for veterans of World War I. The periods of service applicable to veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion are as follows:

*Spanish-American War.*—April 21–August 12, 1898.

*Philippine Insurrection.*—August 13, 1898–July 4, 1902, or July 15, 1903, in Moro Province.

*Boxer Rebellion.*—June 20, 1900–May 12, 1901.

To be entitled to pension hereunder, a veteran of the Boxer Rebellion or of the Philippine Insurrection must be shown to have actually participated therein during his period of service.

A veteran of the Spanish-American War, over 62 years of age, who meets the other requirements of Part III or who was on the pension rolls on March 19, 1933, will be entitled to receive a pension in the amount of \$15 monthly. However, if he was on the rolls on March 19, 1933, and receiving pension in an amount less than \$15 monthly, pension will be continued at the rate he was then receiving. The income limitation is not applicable to veterans in this group.

A veteran of the Spanish-American War, Philippine Insurrection or Boxer Rebellion who is 50 percent disabled and who meets the other requirements of part III, Veterans Regulation No. 1 (a), as amended, will be entitled to a pension of not less than \$15 per month.

Pensions are also payable to veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion under the Spanish-American War Service Pension Acts as reenacted by Public Law 269, Seventy-fourth Congress, August 13, 1935, as amended. The service dates governing pensions payable thereunder are as follows:

*Spanish-American War.*—April 21, 1898–April 11, 1899

*Philippine Insurrection.*—April 12, 1899–July 4, 1902; or to July 15, 1903, in the Moro Province

*Boxer Rebellion.*—June 16, 1900–May 12, 1901.

Persons who served 90 days or more in the military or naval service of the United States during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, and who have been honorably discharged therefrom or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty, who are suffering from any mental or physical disability of a permanent character which so incapacitates them for the performance of manual labor as to render them unable to earn a support, may receive pensions ranging from \$20 to \$75 monthly proportioned to the degree of inability to earn a support. Pensions are also payable, irrespective of disability at certain attained ages, namely, \$30 at age 62, \$40 at age 68, \$50 at age 72 and \$60 at age 75. The rate payable to those who served between April 21, 1898 and July 4, 1902 upon attaining age 65 is \$75 per month. If the disabled person is so helpless or blind as to require the aid and attendance of another person, the rates payable are \$72 and \$100 per month depending upon the period of service. (Act of June 2, 1930, 46 Stat. 492; Public Law 541, 75th Cong., approved May 24, 1938; Public Law 242, 78th Cong., approved March 1, 1944.)

Persons who served 70 days or more but less than 90 days and who were honorably discharged from such service may receive pensions ranging from \$12 to \$30 monthly proportioned to the degree of

inability to earn a support and at certain attained ages, irrespective of disability, namely, \$12 per month at age 62, \$18 per month at age 68, \$24 per month at age 72, and \$30 per month at age 75. If so helpless or blind as to require regular aid and attendance, the rate payable is \$50 per month (act of June 2, 1930, 46 Stat. 1016).

Continuous active service entered into during the Spanish-American War, the Philippine Insurrection, or Boxer Rebellion, although part of such continuous service extended into either the Philippine Insurrection or Boxer Rebellion, will meet the service requirements. (Public Law 594, 76th Cong., approved June 11, 1940.)

Misconduct does not bar pension.

Honorable discharge from all periods of service in the particular war concerned is required.

#### AS TO VETERANS OF THE CIVIL WAR

Persons who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and who were honorably discharged from all contracts of enlistment, or who, having served less than 90 days were discharged for disability incurred in the service in line of duty, may receive pension at the rate of \$75 per month, and if so helpless or blind as to require aid and attendance, the rate payable is \$100 per month (act of June 9, 1930, 46 Stat. 529).

There is no provision relating to misconduct.

The Civil War period extended from April 15, 1861, to August 20, 1866.

#### AS TO VETERANS OF THE INDIAN WARS

Pension is payable to a veteran of any of the Indian wars between January 1, 1817, and December 31, 1898, who is suffering from any mental or physical disability of a permanent character, which so incapacitates him for the performance of manual labor as to render him unable to earn a support, where the veteran was honorably discharged after serving 30 days or more in the Indian wars or campaigns or in connection with or in the zone of active Indian hostilities, or during the entire period of a campaign lasting less than 30 days. The rates range from \$20 to \$60 monthly, proportioned to the degree of inability to earn a support. Pension may also be paid, irrespective of disability, at certain attained ages, namely, \$30 monthly at age 62, and \$60 monthly at age 65 or over. If so helpless or blind as to require aid and attendance, the rate payable is \$100 per month. (Public Law 355, 75th Cong., approved August 25, 1937; Public Law 245, 78th Cong., approved March 3, 1944.)

Pension under the act of March 3, 1944 (Public Law 245, 78th Cong.) will not be denied if the disability resulted from vicious habits

#### APPLICATION FOR BENEFITS

A properly completed and executed Form 526 when received by the Veterans' Administration will be considered an application for compensation or pension for disability resulting from service in the active military or naval forces of the United States. Form 526b should be used in making application for pension for disability not the result of service in the active military or naval forces of the United States.



**BENEFITS FOR DISABILITY RESULTING FROM TRAINING, HOSPITALIZATION, MEDICAL OR SURGICAL TREATMENT, EXAMINATION, ETC., UNDER LAWS PROVIDING BENEFITS FOR VETERANS OF WORLD WAR I OR WORLD WAR II**

Where any veteran suffers an injury or has suffered an injury, or the aggravation of any existing injury as the result of training, hospitalization, or medical or surgical treatment awarded him under any of the laws granting monetary or other benefits to World War I veterans, or as the result of having submitted to examination under authority of any of the laws granting monetary or other benefits to World War I veterans and not the result of his misconduct, and such injury or aggravation results in additional disability, compensation, or pension benefits will be awarded in the same manner as if such disability or aggravation was service-connected. The benefits thus provided are in lieu of benefits, if payable, under the United States Employees' Compensation Act, as amended.

In claims of veterans with World War I service as defined in Public Law 2, Seventy-third Congress, and the Veterans Regulations, as amended, or Public Law 141, Seventy-third Congress, as amended, the compensation awarded under this provision will be in accordance with the rates prescribed by part I, Veterans Regulation No. 1 (a), as amended, or for directly service-connected disabilities under Public Law 141, Seventy-third Congress, i. e., at 100 percent of the rates provided under the World War Veterans' Act, 1924, as amended, whichever is the greater monetary benefit.

In claims of veterans with Spanish-American War, Philippine Insurrection, or Boxer Rebellion service as defined in Public Law 2, Seventy-third Congress, and the Veterans Regulations, as amended or Public Law 141, Seventy-third Congress, as amended, the pension awarded will be in accordance with the rates prescribed in part I, Veterans Regulation No. 1 (a), as amended, or section 30, title III, Public Law 141, Seventy-third Congress, whichever is the greater benefit.

In claims of veterans with peacetime service prior to April 21, 1898, including veterans of the Civil and Indian Wars, the pension will be in accordance with the rates provided in Veterans Regulation No. 1 (a), as amended, part I, or part II, dependent upon whether the service was wartime or peacetime, or in accordance with the rates provided under the general pension law or the rates provided by the Civil War or Indian War Service Pension Acts, whichever is the greater monetary benefit.

In claims of veterans with peacetime service only subsequent to August 12, 1898, the pension to be awarded will be in accordance with the rates provided in part II, Veterans Regulation No. 1 (a), as amended.

Misconduct, whether willful or otherwise, is a bar.

In claims of veterans with World War II service as defined in part I of Veterans Regulation No. 1 (a), as amended by Public Law 144, Seventy-eighth Congress, the compensation awarded will be in accordance with the rates prescribed in part I of that regulation, as amended.

Any World War II veteran who suffers an injury or an aggravation of any injury while following a course of vocational rehabilitation under part VII, Veterans Regulation No. 1 (a), as amended (Public

Law No. 16, 78th Cong., March 24, 1943), as a result of the pursuit of such course of vocational rehabilitation and not the result of his or her own willful misconduct, and such injury or aggravation results in additional disability, the benefits under laws applicable to veterans of World War II, i. e., wartime service-connected rates under part I, Veterans Regulation No. 1 (a), as amended, are payable in the same manner and extent as if such disability or aggravation were service-connected.

A properly completed and executed Form 526a when received by the Veterans' Administration will be considered an application for compensation or pension for injury resulting from training, hospitalization, medical or surgical treatment, or examination.

#### **SPECIAL PENSION TO HOLDERS OF THE CONGRESSIONAL MEDAL OF HONOR**

A statutory award of \$10 per month is payable to all persons awarded the Congressional Medal of Honor whose names have been entered on the Army and Navy Medal of Honor roll who have attained the age of 65 years. (Act of April 27, 1916, as amended. 38 U. S. C. 391-394.)

#### **RETIREMENT PAY**

##### **BASED UPON DISABILITY**

*For disabled emergency officers.*

On May 24, 1928, a law was enacted which provided, among other things, that all persons who served as officers of the Army, Navy, or Marine Corps of the United States during World War I, other than as officers of the Regular Army, Navy, or Marine Corps who, during such service incurred physical disability in line of duty, and who have been, or may within 1 year after passage of this act, be rated in accordance with law at not less than 30 percent permanently disabled for such disability resulting directly from such war service, shall, from the date of the receipt of application, be placed upon, and thereafter continued on, a retired list at 75 per centum of the pay to which they were entitled at the time of their discharge from their commissioned service, with certain exceptions. It was provided in that law that a claim for this benefit, in order to be valid, must have been made within 1 year from the date of the enactment of that law.

The act of March 20, 1933 (Public Law 2, 73d Cong.), repealed this law but made provision for the continuation of the emergency officers' retirement pay under certain conditions, among which are the following: First, the person must have been a commissioned officer between April 6, 1917, and November 11, 1918, or between April 6, 1917, and April 1, 1920, if he served in Russia; second, the disease or injury, or aggravation of the disease or injury, on account of which retirement benefits were being paid must have directly resulted from the performance of military or naval duty either while serving as an enlisted man or as a commissioned officer during such service; third, such persons must otherwise meet the requirements of the Veterans Regulations, issued under the provisions of the act of March 20, 1933.

The act of July 15, 1940 (Public Law 743, 76th Cong.) returned to the rolls of emergency officers retired with pay a limited group of such officers (directly service-connected cases) who were in receipt of

such benefits on March 19, 1933, under the provisions of the Emergency Officers' Retirement Act of May 24, 1928, and shown to have been heretofore correctly rated, but who were found not entitled to continuation of such benefits under the restrictive provisions of section 10, Public Law 2, Seventy-third Congress, March 20, 1933, and authorized the grant of retirement pay to those emergency officers who failed to file claim within 12 months after the enactment of the act of May 24, 1928, subject to the other provisions thereof and the limitations contained in section 10, Public Law 2, Seventy-third Congress, as modified by this act, Public Law 743, Seventy-sixth Congress, July 15, 1940, in any case where the disability resulted from injury or disease incurred in combat with an enemy of the United States.

The act of July 18, 1940 (Public Law 746, 76th Cong.), provided for the granting of emergency officers' retirement benefits to World War I provisional, probationary, or temporary officers of the military or naval forces or Coast Guard who served subsequent to April 6, 1917, and who were then in a status of honorable separation from service, if application for such benefits was filed with the Administrator of Veterans' Affairs within 12 months after the passage of the act. There are for application the requirements of the act of May 24, 1928, as amended by section 10 of Public Law 2, Seventy-third Congress, as further amended by Public Law 743, Seventy-sixth Congress.

Emergency officers' retirement pay and salary from the Federal Government may be paid concurrently in excess of \$3,000 per annum if the disability for which retirement pay was granted was incurred in combat with an enemy of the United States or resulted from explosion of an instrumentality of war in line of duty during an enlistment or employment during the World War I period. (Sec. 212, Public Law 212, 72d Cong., June 30, 1932, as amended, U. S. C., title 5, sec. 59a.)

*For officers of the Regular Army, Navy, Marine Corps, or Coast Guard.*

When a retiring board finds that an officer of the Regular Army is incapacitated for active service and that his incapacity is the result of an incident of the service and such decision is approved by the President, such officer is retired from active service with 75 percent of the pay of the rank upon which he is retired (10 U. S. C., secs. 933, 971); if his incapacity is found not to be the result of an incident of service, he may be retired from active service with retired pay, as stated above, or wholly retired from service with 1 year's pay and allowances of the highest rank in the Regular Army held by him at the time of his retirement, as the President may determine (10 U. S. C., secs. 934, 984).

When a retiring board finds that an officer of the Regular Navy or Marine Corps is incapacitated for active service and that his incapacity is the result of an incident of the service, and such decision is approved by the President, such officer is retired from active service with 75 percent of the pay provided by law for the grade or rank which he held at the time of his retirement (34 U. S. C., secs. 417, 991, 626a); if his incapacity is not the result of any incident of the service, such officer may be retired from active service on furlough pay, and receive one-half of the pay to which he would have been entitled if on leave of absence on the active list or he may be wholly

retired from service, with 1 year's pay as the President may determine (34 U. S. C., secs. 418, 998, 626a).

When a retiring board finds that an officer of the Coast Guard is incapacitated for active service, and that his incapacity is the result of an incident of service, or is due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he is retired from active service at 75 percent of the duty pay, salary, and increase of the rank upon which he has been or may be retired (14 U. S. C., secs. 169, 167); if it is found that such incapacity is the result of his own vicious habits and not due to any incident of service, and the decision is approved by the President, the officer will be dropped from the service (14 U. S. C., secs. 169, 168).

*For enlisted men of the Regular Army or the Philippine Scouts.*

An officer of the Regular Army who fails in his physical examination for promotion and is found incapacitated for service by reason of disability contracted in line of duty, is retired with the rank and pay which his seniority entitled him to be promoted (10 U. S. C., sec. 932; A. R. 35-1760, par. 8). An officer of the Regular Navy or Marine Corps who fails to pass the required physical examination for promotion and who is found incapacitated for service by reason of physical disability contracted in the line of duty is retired in the rank for which he was selected, or adjudged fitted, with retired pay at the rate of 75 percent of the active-duty pay of the grade to which selected or adjudged fitted (34 U. S. C., secs. 404 (h), 626a). An officer of the Coast Guard who fails in his physical examination for promotion and is found incapacitated for service by reason of physical disability contracted in the line of duty, is retired with the rank to which his seniority entitled him to be promoted and receives 75 percent of the duty pay, salary, and increase of the rank upon which he has been or may be retired (14 U. S. C., secs. 171, 167).

An enlisted man of the Regular Army or of the Philippine Scouts who has served 20 years or more in the military forces of the United States and who has become permanently incapacitated for active service due to physical disability incurred in line of duty is placed on the retired list, and entitled to receive 75 percent of the average pay he was receiving for 6 months prior to his retirement. He may waive receipt of retired pay for the purpose of receiving pension or compensation under laws administered by the Veterans' Administration. (Public Law 140, 77th Cong., approved June 30, 1941.)

*For Reserve officers, Army of the United States.*

Reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of 30 days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are disabled from disease or injury contracted or received in line of duty while so employed, are deemed to have been in the active service during such period and are in all respects entitled to receive the same retirement pay and hospital benefits as provided by law or regulation for officers of corresponding grades and length of service of the Regular Army. All questions as to eligibility for such benefits are determined by the War Department but the Veterans'

Administration is charged with the duty of administration and payment of such benefits. (Public Law 262, 77th Cong., approved September 26, 1941.)

*For officers, warrant officers, and enlisted men of the Army of the United States.*

Officers, warrant officers, and enlisted men of the Army of the United States, other than officers and enlisted men of the Regular Army, if called or ordered into the active military service by the Federal Government for extended military or naval service in excess of 30 days, other than for service with the Civilian Conservation Corps, and who suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers and enlisted men of corresponding grades and length of service of the Regular Army, including for their dependents the benefits of the act of December 17, 1919, as amended (6 months' death gratuity). (Sec. 1, act of August 30, 1935, as amended by Public Law 18, 76th Cong., approved April 3, 1939; Public Law 213, 76th Cong., approved July 25, 1939; and Public Law 329, 77th Cong., approved December 10, 1941.)

*For Officers, Nurses, Warrant Officers, and Enlisted Men of the United States Naval Reserve and United States Marine Corps Reserve.*

All officers, nurses, warrant officers, and enlisted men of the United States Naval Reserve or United States Marine Corps Reserve, who, if called or ordered into active naval or military service by the Federal Government for extended naval or military service in excess of 30 days, suffer disability or death in line of duty from disease or injury while so employed, are deemed to have been in the active naval service during such period and they or their beneficiaries are in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits provided by law or regulation for officers, warrant officers, nurses, and enlisted men of corresponding grades and length of service of the Regular Navy or Marine Corps, including payment of the 6 months' death gratuity. (Public Law 775, 76th Cong., approved August 27, 1940, as amended by Public Law 16, 77th Cong., approved March 17, 1941, and Public Law 737, 77th Cong., approved October 10, 1942.)

*Equalization of disability retirement pay for Army officers*

Under a recent act of Congress it is provided that any officer of the Army of the United States or of any component thereof, except an officer of the Regular Army, who heretofore or hereafter has been or may be granted retirement pay for physical disability determined or incurred while serving under a temporary appointment in a higher grade shall receive retirement pay computed as otherwise provided by law for officers of such higher grade. Any officer of the Regular Army who heretofore or hereafter has been or may be retired for physical disability determined or incurred while serving under a temporary appointment in a higher grade shall have the rank and receive retired

pay computed as otherwise provided by law for officers of such higher grade. Any officer of the Regular Army on the retired list who shall have been placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher grade, be promoted on the retired list to such higher grade and receive retired pay computed as otherwise provided by law for an officer of such higher grade retired on account of physical disability incident to the service. Any officer of the Regular Army on the retired list who shall have been placed thereon by reason of physical disability shall, if he incurs additional physical disability while serving under a temporary appointment in a higher grade, be promoted on the retired list to such higher grade and receive retired pay computed as otherwise provided by law for officers of such higher grade: *Provided*, That the Secretary of War, or such person or persons as he may designate, shall find that the additional physical disability is incident to service while on active duty in the higher grade and not less than 30 percent permanent. Any officer of the Regular Army on the retired list who shall have been placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving on active duty in the same grade as that held by him on the retired list, receive retired pay computed as otherwise provided by law for officers of such grade retired on account of physical disability incident to the service.

The benefits of this act apply to officers of the Army of the United States who were retired or granted retirement pay subsequent to April 6, 1917, or who may hereafter be retired or granted retirement pay for physical disability in line of duty in time of war or any emergency declared by the President, or within 6 months thereafter, determined or incurred while serving under a temporary appointment in a higher grade, including any officer given a temporary appointment in a higher grade under the act of June 16, 1936, who has been retired for physical disability in a lower grade. The provisions of this act do not apply in any case unless proceedings to obtain the benefits provided herein are initiated within 6 months from the termination of the temporary appointment held at the time when the disability is incurred or the disabled officer's release from active duty, whichever occurs earlier: *Provided*, That such proceedings may be initiated within 6 months from the date of the approval of this act in any case where such termination of appointment, retirement, or release from active duty occurred prior to such approval. The Secretary of War is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this act.

Nothing contained in the act shall be construed to limit the power of the President under existing law, or to affect the right of any officer of the Regular Army to have the rank and retired pay of a higher grade than therein provided, or of any other officer of the Army of the United States to have the retirement pay of a higher grade than therein provided, if entitled thereto under other provisions of law.

No back pay shall accrue by reason of the enactment of this act and its provisions shall not otherwise affect the method in which officers are to be retired. (Public Law 101, 78th Cong., approved June 29, 1943.)

*For Members of Army Nurse Corps (female) and Navy Nurse Corps (female).*

When a member of the Army Nurse Corps or of the Navy Nurse Corps is found by a board of medical officers to have become disabled in line of duty from performing the duties of a nurse, and such findings are approved by the head of the Department concerned, such nurse is retired from active service and placed upon the Nurse Corps retired list in the grade to which she belonged at the time of her retirement with pay at the rate of 75 percent of the active service pay received by her at the time of her transfer to the retired list. Any person who served as a member of the Army Nurse Corps or Navy Nurse Corps during World War I and continuously thereafter until May 13, 1926, and who was, prior to June 20, 1930, separated from said corps by reason of physical disability incurred in line of duty is entitled to be placed upon the retired list upon her application therefor, and her retired pay becomes effective from date of application or October 17, 1940, whichever is later (10 U. S. C. 937; 34 U. S. C. 436).

Any person appointed and assigned as an officer in the Army of the United States under Public Law 350, Seventy-eighth Congress, approved June 22, 1944, authorizing temporary appointments as temporary officers, of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in the Medical Department of the Army as female dietetic or physical-therapy personnel, will be eligible for retirement under any law providing for retirement of members of the Army Nurse Corps. Any such person, including members of the Army Nurse Corps who, while serving under such appointment and assignment, is so retired for disability shall receive retired pay at the rate of 75 percent of the active duty base and longevity pay received by her while serving in the highest grade in which she served under any such appointment and assignment and will be placed upon the Army Nurse Corps retired list in such highest grade. Any member of the Army Nurse Corps retired between December 7, 1941, and the date of enactment of this act for disability and any female dietitian or physical-therapy aide so retired between January 12, 1943, and the date of enactment of this act will receive, effective on the first day of the month following the date of enactment of this act, retired pay at the rate of 75 percent of the highest active duty base and longevity pay received by her while serving in the Army Nurse Corps or Medical Department of the Army, as the case may be. Nothing in this act shall operate to reduce the retired pay presently received by any nurse, female dietitian, or physical-therapy aide.

*For Members of Former Life Saving Service.*

Any individual who served in the former life saving service of the United States as a keeper or surfman and who on account of being so disabled by reason of a wound or injury received, or disease, or loss of sight contracted in such service in line of duty as to unfit him for the performance of duty and who was continued on the rolls of the service for 1 year or more as authorized by law and who ceased to be a member of such service on account of such disability which has been continuous up to and including April 14, 1930, may be awarded compen-

sation for such injury at the rate of 75 percent of the pay he was receiving at time of separation from service commencing April 14, 1930, to continue during his natural life. He may not receive a pension, pay, or other allowance under any law of the United States for the same period he received retired pay under this provision (14 U. S. C. 178a).

*Naval pension allowances.*

Allowances, known as naval pension allowances, are payable to every disabled person who, from age or infirmity, is disabled from sea service and who has served as an enlisted man or as an appointed petty officer, or both, in the Navy or Marine Corps for a period of 20 years and who has not been discharged for misconduct. These allowances are in amounts equal to one-half the pay of the disabled person's rating at the time he was discharged. Every such disabled person who has so served for a period of not less than 10 years (but less than 20 years) and who has not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension fund. The Secretary of the Navy, upon approval of the recommendation of a board of naval officers concerning the aid to be furnished, makes certification thereof to the Administrator of Veterans' Affairs. This allowance may not exceed the rate of pension for full disability corresponding to the grade of the applicant or, if in addition to a pension, exceed one-fourth of the rate of such pension.

The foregoing naval pension allowances were originally provided for such persons eligible therefor and who elected to receive same in lieu of being provided with a home in the Naval Home at Philadelphia, Pa., and were payable from the naval pension fund or the surplus income of the naval pension fund. This fund was abolished by the act of June 26, 1934 (48 Stat 1229) and such naval pension allowances are now payable by the Administrator of Veterans' Affairs, upon certification by the Secretary of the Navy as to the disabled person's entitlement, out of Veterans' Administration appropriations (R. S. 4756, 4757; U. S. C., title 38, secs. 229, 230).

**BASED UPON LENGTH OF SERVICE OR AGE**

Retirement pay based upon length of service or age is provided for officers of the United States Army, Navy, Marine Corps, or Coast Guard, usually at 75 percent of their active duty pay at time of retirement.

Enlisted men of the United States Army, Navy, Marine Corps, or Coast Guard may be retired after 30 years service at 75 percent of their pay at time of retirement (10 U. S. C. 947, 947a, 980; 34 U. S. C. 431; 14 U. S. C. 175).

Retired enlisted men of the Army heretofore or hereafter retired who served honorably as commissioned officers of the Army of the United States or as commissioned officers, regular, temporary, or reserve, of the Navy or Marine Corps at some time between April 6, 1917, and November 11, 1918, are entitled to receive the pay of retired warrant officers of the Army; and retired enlisted men of the Regular Navy and Marine Corps heretofore or hereafter retired who served honorably as commissioned officers, regular, temporary, or reserve, in the military or naval service at some time between said dates and who at the time of their retirement were members of the Regular



Navy or Marine Corps are entitled to receive the pay of retired warrant officers of the Navy and Marine Corps, respectively. Such enlisted man retired prior to July 1, 1922, is entitled to receive the pay provided by law for retired warrant officers of equal length of service retired prior to that date and such enlisted man retired subsequent to June 30, 1922, is entitled to receive the pay provided by law for retired warrant officers of equal length of service retired subsequent to that date. If the pay and allowances of his grade, rank, or rating on the retired list would exceed the pay to which he would be entitled hereunder by reason of his commissioned service, he is entitled to receive such higher pay (10 U. S. C. 981; 34 U. S. C. 999).

Enlisted men of the Regular Navy who enlisted on or prior to July 1, 1925; or who having been discharged therefrom prior to July 1, 1925, reenlisted within 3 months from date of discharge; or who were serving in the Naval Reserve force on July 1, 1925, in an enrollment entered into within 4 months from date of discharge from the Regular Navy and who reenlisted within 3 months from date of discharge from the Naval Reserve force created by the act of February 28, 1935, may be transferred to the Fleet Reserve upon completion of 16 years but less 20 years service at one-third of base pay plus all permanent additions thereto, which is increased by 10 percent as to those credited with extraordinary heroism in line of duty or whose average marks in conduct for 20 years or more are not less than 95 percent of the maximum, and upon completion of 20 years or more service at one-half of base pay plus all permanent additions.

Enlisted men serving in the Regular Navy on June 25, 1938, who first enlisted after July 1, 1925, or who reenlisted after July 1, 1925, after having been out of the Regular Navy more than 3 months, and men who first enlisted after June 25, 1938, may, upon their own request be transferred to the Fleet Reserve upon completion of 20 years' service, provided they are otherwise qualified to perform duty in time of war, at one-half the base pay they were receiving at time of transfer.

Those enlisted men referred to in paragraph 4, upon completion of 30 years' service may be placed on the retired list of the Regular Navy with the pay they were then legally entitled to receive.

Those enlisted men referred to in paragraph 5, upon completion of 30 years' service, may be placed on the retired list of the Regular Navy with the pay they were then legally entitled to receive plus all permanent additions thereto (act of June 25, 1938).

Officers and enlisted men of the honorary retired list (Naval Reserve) who have performed a total of not less than 30 years' active service in the Army, Navy, Marine Corps, Coast Guard, Naval Auxiliary Service, Naval Reserve Force, Naval Militia in Federal status, National Naval Volunteers, Naval Reserve, Marine Corps Reserve Force, and Marine Corps Reserve; or who have had not less than 20 years' such active service, the last 10 years of which shall have been performed during the 11 years immediately preceding their transfer to the honorary retired list of the Naval Reserve, are entitled to retired pay at the rate of 50 percent of their active duty pay as prescribed for such officers and enlisted men while on active duty (act of June 25, 1938).

Enlisted men of the Coast Guard who have had 20 or more years of service may on their own application to and approval by the Commandant, or upon recommendation of a Coast Guard enlisted per-

sonnel board approved by the Commandant, be retired at 2½ percent of the sum of their base pay and all permanent additions thereto at time of retirement multiplied by the number of years of their service, with an additional 10 percent thereof where cited for extraordinary heroism in line of duty or where their average marks in conduct during service are not less than 97½ percent of the maximum, but the retired pay may not exceed 75 percent of the sum of their annual base pay and all permanent additions (act of May 24, 1939, 14 U. S. C. 185-185a).

Members of the Army Nurse Corps or Navy Nurse Corps who have served 30 years or shall have reached age 50 years having served 20 years may be retired at 3 percent of the total annual active duty pay which they are receiving at time of retirement multiplied by the number of years' service prior to retirement but not to exceed 75 percent of such annual active duty pay (10 U. S. C. 1029; 34 U. S. C. 438; 37 U. S. C. 113).

#### WAIVER OF RETIREMENT PAY TO RECEIVE PENSION OR COMPENSATION

Any person who is receiving pay pursuant to any provision of law relating to the retirement of persons in the regular military or naval service, and who would be eligible to receive pension or compensation under the laws administered by the Veterans' Administration if he were not receiving such retired pay, shall be entitled to receive such pension or compensation upon the filing by such person with the department by which such retired pay is paid of a waiver of so much of his retired pay and allowances as is equal in amount to such pension or compensation. To prevent duplication of payments, the department with which any such waiver is filed shall notify the Veterans' Administration of the receipt of such waiver, the amount waived, and the effective date of the reduction in retired pay. (Public Law 314, 78th Cong., May 27, 1944.)

#### REVIEW OF DECISION OF RETIRING BOARD RETIRING OR RELEASING TO INACTIVE DUTY ANY OFFICER FOR PHYSICAL DISABILITY

The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury are authorized and directed to establish, from time to time, boards of review composed of five commissioned officers, two of whom shall be selected from the Medical Corps of the Army or Navy, or from the Public Health Service, as the case may be. It shall be the duty of any such board to review, at the request of any officer retired or released to inactive service, without pay, for physical disability pursuant to the decision of a retiring board, the findings and decision of such retiring board. Such review shall be based upon all available service records relating to the officer requesting such review, and such other evidence as may be presented by such officer. Witnesses shall be permitted to present testimony either in person or by affidavit and the officer requesting review shall be allowed to appear before such board of review in person or by counsel. In carrying out its duties under this section such board of review shall have the same powers as exercised by, or vested in, the retiring board whose findings and decision are being reviewed. The proceedings and decision of each such board of review affirming or reversing the decision of the retiring board shall be transmitted to the Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury, as the case

may be, and shall be laid by him before the President for his approval or disapproval and orders in the case. No request for review shall be valid unless filed within 15 years after the date of retirement for disability or after the effective date of the Servicemen's Readjustment Act of 1944, whichever is the later. The term "officer" means any officer subject to the laws granting retirement for active service in the Army, Navy, Marine Corps, or Coast Guard, or any of their respective components. The term "counsel" includes, among others, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936. (Public Law 844, Seventy-fourth Congress.) (Sec. 302, Public Law 346, 78th Cong., June 22, 1944.)

#### **RATES FOR VETERANS WITHOUT DEPENDENTS WHILE RECEIVING HOSPITAL, INSTITUTIONAL, OR DOMICILIARY CARE**

Where any disabled veteran, having neither wife, child, nor dependent parent, is being furnished hospital treatment, institutional, or domiciliary care by the United States, or any political subdivision thereof, any pension, compensation, or retirement pay payable to such veteran may not exceed \$20 per month. Payments of pension under part III, Veterans Regulation No. 1 (a), as amended, for permanent total non-service-connected disabilities may not exceed \$8 per month.

Where any disabled veteran, having no dependents, is receiving such care, and is deemed by the Administrator of Veterans' Affairs to be insane, payments of benefits shall be in the amounts set forth above, provided, that in any case where the estate of such disabled insane veteran derived from any source equals or exceeds \$1,500, further payments of such benefits will not be made until the estate is reduced to \$500. Any such veteran, when maintained at his own expense in an institution, is subject to the foregoing limitations, but shall be paid such amount otherwise payable as equals the amount charged for his care and maintenance in such institution not exceeding the amount the Administrator of Veterans' Affairs determines to be the charge as fixed by an applicable statute or valid administrative regulation.

The pension of any veteran who is receiving such care in a United States soldiers' home or in any National or State soldiers' home on July 13, 1943, will not be reduced or discontinued under the foregoing provisions so long as he continues to remain in the home. Those veterans admitted to a United States soldiers' home or any National or State soldiers' home after that date will be subject to these provisions. (Par. VI, Veterans Regulation No. 6 (a), as amended by section 13, Public Law 144, 78th Cong., approved July 13, 1943.)

#### **APPORTIONMENT OF MONETARY BENEFITS**

Where a disabled person entitled to pension, compensation, or emergency officers' retirement pay under laws and regulations administered by the Veterans' Administration and his wife are not living together or where the child or children are not in the custody of the disabled person; or where, in death cases, the child or children are not in the custody of the widow, the amount of pension, compensation, or emergency officers' retirement pay may be apportioned as may

be prescribed by the Administrator of Veterans' Affairs. Application for apportionment of benefits should be forwarded to the Veterans' Administration, Washington, D. C.

Wives of veterans who receive disability compensation, pension, emergency officers' retirement pay or service pension are entitled to an apportionment of such compensation, pension, emergency officers' retirement pay or service pension if they are living separate and apart from the veteran without any fault on their part, in an amount equivalent to 30 percent of the veteran's total award where the wife has no minor children, 40 percent with one child, 45 percent with two children, and 50 percent with three or more children. If there is no wife, minor children living separate and apart from their father are entitled to an apportionment of the father's award equivalent to 20 percent thereof for one child, 30 percent for two children, and 35 percent for three or more children (sec. 3, Public Law 866, 76th Cong., approved October 17, 1940).

#### **BENEFITS NOT SUBJECT TO TAXATION OR SEIZURE, ACTS OF AUGUST 12, 1935, AND OCTOBER 17, 1940**

Payments of benefits due or to become due are not assignable, and such payments made to, or on account of, a beneficiary under any of the laws relating to veterans are exempt from taxation, are exempt from the claims of creditors, and are not liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. This provision does not attach to claims of the United States nor does the exemption as to taxation extend to any property purchased in part or wholly out of such payments. This act does not prohibit the assignment by any person, to whom converted insurance may be payable under title III of the World War Veterans' Act, 1924, of his interest in such insurance to any other member of the permitted class of beneficiaries.

Section 5 of Public Law 866, Seventy-sixth Congress, approved October 17, 1940, amended section 3 of Public Law 262, Seventy-fourth Congress, August 12, 1935, briefly explained above, so as to prohibit collection by set-off or otherwise out of any benefits payable pursuant to any law administered by the Veterans' Administration and relating to veterans, their estates, or their dependents of any claim of the United States or any agency thereof against (a) any person other than the indebted beneficiary or his estate, or (b) any beneficiary or his estate, except amounts due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws relating to veterans to such beneficiary or his estate or his dependents as such. If the benefits be yearly renewable term or United States Government life (converted) insurance issued by the United States, the exemption will be inapplicable to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits.

The provisions of the act of August 12, 1935 (Public Law 262, Seventy-third Congress, as amended, were made applicable to the Servicemen's Readjustment Act of 1944 by section 1500, title VI of that act.

**INSURANCE BENEFITS FOR TOTAL DISABILITY OR TOTAL PERMANENT DISABILITY**

Veterans of World War I who were in service on or after April 6, 1917, and before November 12, 1918, and died or became totally and permanently disabled before the expiration of 120 days after October 15, 1917, or before the expiration of 120 days after entrance into or employment in the active service, without having applied for insurance were deemed to have applied for and been granted insurance payable in monthly installments of \$25 during life. Likewise persons inducted into the service by a local draft board after April 6, 1917, and before November 12, 1918, who, while in such service and before being accepted and enrolled for active military or naval service died or became totally and permanently disabled without having applied for insurance were granted similar automatic insurance benefits. If the death of the veteran or draftee occurred before he received any or 240 of such installments, they were payable to certain surviving dependents.

Yearly renewable term insurance and United States Government life (converted) insurance issued to veterans who served in World War I between April 6, 1917, and July 2, 1921, contain liberal protection against total permanent disability. Yearly renewable term insurance ceased on July 2, 1927, except when death or total permanent disability occurred before that date and in some few additional instances. Veterans of World War I who became totally and permanently disabled prior to that date while their yearly renewable term insurance was in force and those who became or hereafter become totally and permanently disabled while their United States Government converted insurance policies are in force are entitled to total permanent disability benefits at the rate of \$5.75 per month per thousand during total permanent disability so long as the insured lives and premiums during total permanent disability are waived.

Veterans of World War I who make application for incorporation in their United States Government life (converted) insurance policies of the total disability protection authorized by section 311 of the World War Veterans' Act, 1924, as amended, may be entitled to total disability benefits concurrently with or independent of, total permanent disability benefits under the policy.

Where the insured whose policy contains total disability protection is totally disabled as a result of disease or injury for a period of 4 consecutive months or more before attaining the age of 65 years and before default in payment of any premium, insurance benefits at the rate of \$5.75 per month per thousand are payable beginning the first day of the fifth consecutive month of continuous total disability and continue during such total disability. Premiums on the United States Government life (converted) insurance policy and for the total disability benefits are waived beginning with the first monthly premium falling due after the monthly installment for total disability becomes payable and so long as such monthly installment is payable.

Total disability as referred to above is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation. In policies issued prior to December 15, 1936, without prejudice to any other cause of

disability, the loss of use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden is deemed to be total permanent disability. Such anatomical and functional loss is not ipso facto, deemed to be total permanent disability under policies issued subsequent to December 15, 1936.

Proof of the continuance of such total disability may be required at any time during the first 2 years but not more frequently than once a year thereafter. If the insured fails to furnish evidence satisfactory to the Administrator of Veterans' Affairs of the continuance of such total disability or if it appears that he is able to engage in an occupation or perform work for compensation or profit, no further monthly income payments will be made or waiver of payment of premiums granted and premiums then become due and payable.

Total permanent disability is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation and which is founded upon conditions which render it reasonably certain that the total disability will continue throughout the life of the disabled person.

#### REVIVAL OF INSURANCE UNDER SECTION 305 OF THE WORLD WAR VETERANS' ACT, 1924, AS AMENDED

Under certain circumstances it may be possible to revive some part of, or in some cases, all of term insurance which has lapsed prior to July 2, 1926, where the United States Government owed the veteran compensation for a service-connected disability at the time of the lapse of such insurance and at the time he became totally and permanently disabled the amount of the uncollected compensation was sufficient to pay all premiums then due. It is not always easy to determine whether there is a revival of insurance under this section of the act. In order that payments may be made under this provision, there must be accrued, uncollected compensation due at the time the veteran is found to be permanently and totally disabled or died. Uncollected compensation due at the time of death may be utilized to prevent lapse under section 305, even though the insured became permanently and totally disabled at a time when he had no uncollected compensation. (See *American National Bank and Trust Company of Chicago v. United States*, 124 Fed. (2d) 743.) It makes no difference whether the compensation has been paid or not, providing the disabled veteran's death occurred or he was found to have been permanently and totally disabled at the time such uncollected compensation was due and unpaid. In summing up, there are three general requirements that must be met: First, the compensation due and uncollected must have been due at the date the insurance lapsed; second, the insured must have died or been permanently and totally disabled at a time when the accrued uncollected compensation was due; and third, the yearly renewable term insurance or Government converted insurance must have lapsed for the nonpayment of premiums, sometime prior to July 2, 1926.

**WORLD WAR ADJUSTED COMPENSATION***Adjusted Compensation Payment Act, 1936*

Under the act of January 27, 1936, veterans who have been issued adjusted-service certificates may exchange them for bonds of the United States in \$50 denominations with a value up to the face amount of their adjusted service certificates, less any loans which have been made thereon and any interest on such loans up to October 1, 1931. Any unpaid interest which has accrued after October 1, 1931, is forgiven or canceled. No provision is made, however, for refunding any interest which has been paid. Odd amounts over and above the highest multiple of \$50 in the amount due on the certificate will be paid by check.

The United States bonds with which the adjusted service certificates will be redeemed are not of the ordinary type, but have several unusual features which make them extremely valuable. They may be redeemed at any time at their face value, but if held for 1 year from the date of issue they may be redeemed at any time thereafter not only at their face value but, in addition, 3 percent interest annually. Thus, holders of these bonds are fully protected against any fluctuation in value. They are nontransferable, nonassignable, and are not subject to attachment, levy, or seizure under any proceedings.

Bonds will be dated June 15, 1936, and will run to June 15, 1945. Bonds will be redeemable by the United States Treasury at such places, including post offices, as the Secretary of the Treasury may designate.

Application for payment of adjusted service certificates by these bonds should be made on V. A. Form 1701. Application forms are available throughout the country at the various offices of the Veterans' Administration and at posts or other comparable units of the various service organizations. Applications for exchanging the adjusted-service certificates for bonds may be filed anytime prior to the date of the maturity of the certificate. Veterans should send their applications, together with certificates, to the Veterans' Administration, Washington, D. C. Veterans who are mentally incompetent should have the application made in their behalf by a legally authorized representative.

If a veteran dies after he has made out application (Form 1701) for payment of his adjusted service certificate, but before the application has been filed, the application may be filed by any person, and if it is filed before payment is made to the beneficiary named in the adjusted service certificate, it will constitute a valid application for payment in bonds.

If a veteran dies after he has made and filed his application (Form 1701), payment will not be made to the beneficiary named in the adjusted service certificate, but will be made to the estate of the veteran.

If the veteran desires to obtain the bonds, he should properly execute application Form 1701, attach the certificate to the application, and forward both to the Veterans' Administration, Washington, D. C.

When the veteran has a guardian, custodian, or conservator, and it is desired to apply for settlement, the fingerprints of the veteran must be placed upon the application (Form 1701) when this is possible. The

fingerprints of the guardian or other representative of the veteran would be of no value in establishing the veteran's identity.

Exemption from attachment, etc.: A sum payable under the World War Adjusted Compensation Act, as amended, or the Adjusted Compensation Payment Act, 1936, the proceeds of any loan, and the bonds received in settlement of an adjusted service certificate are not subject to attachment, levy, or seizure, or to National or State taxation, and are exempt from the claims of creditors. (Adjusted Compensation Payment Act, 1936, as amended; World War Adjusted Compensation Act, as amended, 38 U. S. C. 618, 686c.)

#### **FORFEITURE OF BENEFITS BY VETERAN, PAYMENTS TO DEPENDENTS**

Section 504 of the World War Veterans' Act, 1924, as amended provides:

SEC. 504. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in anywise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim or the approval of any claim for compensation or maintenance and support allowance, or the payment of any money, for himself or for any other person, under Titles II or IV hereof, shall forfeit all rights, claims, and benefits under said titles, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or by both such fine and imprisonment, for each such offense.

Section 15 of Public Law 2, Seventy-third Congress, approved March 20, 1933, provides:

SEC. 15. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in anywise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim for benefits under this title, shall forfeit all rights, claims, and benefits under this title, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

When disability compensation or pension based upon service-connected disability has been forfeited by a veteran under section 504 of the World War Veterans' Act, 1924, as amended, or section 15 of Public Law 2, Seventy-third Congress, compensation or pension payable except for the forfeiture, from and after date of suspension of payments to the veteran is payable to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability. However, no compensation or pension may be paid to any dependent who participated in the fraud for which the forfeiture was imposed. (Sec. 9, Public Law 866, 76th Cong., approved October 17, 1940.)



**PART IV**  
**MONETARY BENEFITS FOR DEPENDENTS OF VETERANS**  
**WHOSE DEATH RESULTED FROM SERVICE**  
**AS TO DEPENDENTS OF VETERANS OF WORLD WAR I**

The surviving widow, child, or children, and dependent parents of deceased veterans of World War I who died as a result of injury or disease directly or presumptively incurred in or aggravated by active military or naval service, not the result of misconduct, are entitled to death compensation as hereinafter specified.

The term "widow of a World War I veteran" means a woman who was married at any time prior to May 13, 1938, to the person who served; who lived continuously with him from date of marriage to date of death, except where there was separation which was due to the misconduct of, or procured by, the person who served, without the fault of the widow; and who has not remarried. (Sec. 3, Public Law 514, 75th Cong., approved May 13, 1938). Compensation payable to the widow continues until death or remarriage and where properly discontinued by reason of remarriage, it may not thereafter be recommenced.

The term "child" means a person unmarried and under the age of 18 years, unless prior to reaching the age of 18 years the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child; a child legally adopted; a stepchild if a member of the man's household; an illegitimate child but as to the father only if acknowledged in writing, signed by him, or if he has been judicially ordered or decreed to contribute to the child's support or has been, prior to his death judicially decreed to be the putative father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child. Payment of compensation will be continued after the eighteenth birthday and until completion of education or training (but not after such child reaches the age of 21 years) to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval will be withdrawn. (Par. VI, Veterans Regulation No. 10 series as amended by sec. 7, Public Law 144, 78th Cong., approved July 13, 1943.) While widows who were married to World War I veterans on or after May 13, 1938, are excluded from this benefit, children born of a marriage entered into on or after May 13, 1938, are not so barred. The terms "parent," "mother," and "father" include the mother or

father of the veteran, the mother or father of the veteran through legal adoption, and persons who have stood in loco parentis to the veteran at any time prior to his entry into active service for a period of not less than 1 year. Not more than one father and one mother, as defined will be recognized in any case, and preference will be given to such father or mother who actually exercised parental relationship at the time of, or most nearly prior to the date of entry into active service by the veteran. (Par. VII, Veterans Regulation No. 10, as amended by sec. 8, Public Law 144, 78th Cong., approved July 13, 1943.)

The widow and children are not required to establish actual dependency. Parents must furnish proof of actual dependency. However, there is no time limit as to when the dependency of a parent may begin, thus death compensation is payable to parents otherwise entitled, when dependency arises, regardless of the date of the death of the veteran. Remarriage of a dependent mother or father will not terminate payments, where dependency otherwise exists. (Public Law 193, 77th Cong., approved July 30, 1941.)

The right of dependents of deceased veterans to compensation being based upon relationship, proof of relationship must be made in a manner satisfactory to the Veterans' Administration (See pt. VI) Proof of service connection may be established after death occurs. The monthly rates of compensation payable to these dependents, under section 14 (a), Public Law 144, Seventy-eighth Congress, approved July 13, 1943, and section 5, Public Law 198, Seventy-sixth Congress, approved July 19, 1939, are as follows:

Widow, with no child.....	\$50
Widow, with 1 child (with \$13 for each additional child).....	65
No widow, 1 child.....	25
No widow, 2 children (with \$10 for each additional child, equally divided).....	38
As to widow, child, or children, total may not exceed.....	100
Dependent mother or father.....	45
Dependent mother and father.....each.....	25

Claims by widows and children should be made on Veterans' Administration Form No. 534, and claims by dependent parents on Veterans' Administration Form No. 535.

#### AS TO DEPENDENTS OF VETERANS OF WORLD WAR II

The surviving widow, child, or children and dependent parents of any deceased person, including cadets at the United States Military Academy, midshipmen at the United States Naval Academy and cadets at the United States Coast Guard Academy, whose death resulted from disease or injury not the result of misconduct, incurred in or aggravated in line of duty in the active military or naval forces on or after December 7, 1941, and prior to termination of hostilities incident to the present war are entitled to death-pension benefits at the same rates as those provided for veterans of World War I. To be entitled to such benefits, the widow of a veteran of World War II must have been married to the veteran prior to the expiration of 10 years subsequent to the termination of hostilities incident to World War II. (Par. V, Veterans Regulation No. 10, as amended by sec. 6, Public Law 144, 78th Cong., approved July 13, 1943.) Pension payable to the widow continues until her death or remarriage and where properly discontinued by reason of remarriage, it may not thereafter be recommenced.

The definitions of the terms "child," "parent," "father," and "mother" and rules as to dependency and remarriage of mother or father are the same as those cited above as to veterans of World War I.

**AS TO DEPENDENTS OF VETERANS OF THE SPANISH-AMERICAN WAR, PHILIPPINE INSURRECTION, AND BOXER REBELLION**

The surviving widow, child, or children, and dependent parents of any deceased person who died as a result of injury or disease, not the result of misconduct, incurred in or aggravated in line of duty in active military or naval service during the Spanish-American War, Boxer Rebellion, or Philippine Insurrection are entitled to pension under Public Law 2, Seventy-third Congress, approved March 20, 1933, and the Veterans Regulations, as amended, at the monthly rates specified for dependents of veterans of World War I. The term "widow of a veteran of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion," means a person who was married to the veteran prior to September 1, 1922 (par. V, Veterans Regulation No. 10 (b)). On or after March 1, 1944, to establish entitlement there must have been continuous cohabitation from the date of marriage to the date of death with the person who served, except where there was a separation which was due to the misconduct of or procured by the person who served without the fault of the widow. (Public Law 242, 78th Cong., approved March 1, 1944.) Pension payable to a widow continues until death or remarriage and where properly discontinued by reason of remarriage, it may not thereafter be recommenced. The definitions of the terms "child," "parent," "mother," and "father" and rules as to dependency and remarriage of mother or father are the same as in World War I cases.

The surviving widow, child, or children, or dependent mother, or dependent father of any deceased veteran of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion may also be entitled to pension under the general pension law as reenacted by Public Law 269, Seventy-fourth Congress, August 13, 1935, where the veteran's death resulted from injury or disease incurred or contracted in line of duty (but not aggravated) in active military or naval service. The rates and eligibility requirements of the general pension law are not the same as those provided for dependents of veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion under Public Law 2, Seventy-third Congress, and the Veterans Regulations, as amended, referred to above. The rates provided by the general pension law are not material as wartime service-connected death-pension benefits are payable at the same rates as those provided for dependents of veterans of World War I, heretofore mentioned, by virtue of the provisions of Public Law 359, Seventy-seventh Congress, approved December 19, 1941, which provides that the dependents of any deceased veteran, whose death resulted from an injury or disease received in line of duty "while the United States is engaged in war," otherwise entitled to pension under the general pension law, shall be entitled to pension at the rates provided for service-connected death-compensation benefits for dependents of World War I veterans.

The eligibility requirements of the general pension law as stated below, are for application in such cases except to the extent such requirements are modified by section 1, Public Law 144, Seventy-eighth Congress, July 13, 1943, which provides that the administra-

tive, definitive, and regulatory provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended will be applicable to benefits provided by the general pension law as reenacted by Public Law 269, Seventy-fourth Congress, August 13, 1935, as amended.

Under the general pension law, there is no limitation on the marriage date of a widow of a Spanish-American War veteran. The widow of a veteran of the Philippine Insurrection or Boxer Rebellion must have married the veteran prior to March 3, 1899, or if married on or after that date, continuous cohabitation from date of marriage to date of death is required unless the marriage was entered into prior to or during the veteran's service. On or after March 1, 1944, the requirement of continuous cohabitation referred to above is applicable to pension payable to widows of veterans of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion under this law. A remarried widow, who was the lawful wife of the veteran during the period of his service in the Spanish-American War, Philippine Insurrection, or Boxer Rebellion and who is without means of support other than her daily labor and actual net income not exceeding \$250 per year, upon dissolution of the subsequent marriage by death or divorce on her own application and without fault on her part may be restored to the rolls. The open and notorious adulterous cohabitation of a widow operates to terminate her pension.

Pension is payable for a child until the child attains the age of 16 years, only if under age 16 years at the date of the veteran's death, and pension may be continued after the child's sixteenth birthday if the child was insane, idiotic, or otherwise mentally or physically helpless at date of attaining age 16 years. The child must be legitimate. A child born before the marriage of the parents, if acknowledged by the father before or after the marriage is deemed legitimate. Marriage of the child does not affect its right to pension, except that marriage of a helpless child raises the presumption that the helpless condition no longer exists, but this presumption may be rebutted by showing that helplessness continues notwithstanding the marriage.

Under a recent statute, the requirement that a child be under 16 years of age at the date of the veteran's death to be entitled to pension as a helpless child has been removed. A helpless child, of any age, may now be entitled to pension under the general pension law, if such child was helpless at the date of attaining the age of 16 years and at the time of filing claim. Pension to such helpless child will be discontinued as of the date preceding his or her marriage and when properly discontinued by reason of the marriage of such child, may not thereafter be recommenced. (Public Law 280, 78th Cong., approved April 1, 1944.)

One important effect of section 1, Public Law 144, Seventy-eighth Congress, approved July 13, 1943, referred to above, is to permit payment of pension for service-connected death to or for a child of a deceased veteran of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion until the child attains the age of 18 years, or thereafter, while the child is pursuing a course of instruction in an approved educational institution but not later than the child's twenty-first birthday, or if the child became helpless before attaining the age of 18 years, during the period of helplessness, as the definition of the

term "child" as contained in paragraph VI, Veterans Regulation No. 10 series, as amended by said act, would be for application. This definition includes adopted children, stepchildren if a member of the man's household and illegitimate children under certain circumstances. The age of the child at the date of the veteran's death is immaterial.

A parent includes the natural mother or father of the veteran or mother or father through legal adoption. The father must have been legally married to the mother of the veteran. Pension to a parent is not terminated upon remarriage provided dependency exists notwithstanding such remarriage. It must be shown that the parent is without other present means of support other than his or her own daily labor or the contribution of others not legally bound to provide such support. Pension continues during dependency whether dependency arises prior to or subsequent to the death of the veteran. Pension is not payable to both mother and father, but to the dependent mother first, and upon her death to the father, and then only provided there is no widow or child entitled.

#### AS TO DEPENDENTS OF VETERANS OF THE CIVIL WAR

The surviving widow, child, or children, or dependent mother, or dependent father of any person whose death resulted from injury or disease incurred or contracted in line of duty (but not aggravated) in active military or naval service during the Civil War is entitled to pension under the general pension law and the eligibility requirements of the general pension law as outlined above generally, are for application.

The marriage date limitation is the same as that for application with respect to widows of veterans of the Philippine Insurrection or Boxer Rebellion under the general pension law. A remarried widow whose subsequent marriage has been dissolved by death or divorce upon her own application and without fault on her part may be restored to the roll. The rates provided by the general pension law are not material as the rates provided for wartime service connected death for dependents of veterans of World War I are payable by virtue of the provisions of Public Law 359, Seventy-seventh Congress, approved December 19, 1941, which provides that the dependents of any deceased veteran, whose death resulted from an injury or disease received in line of duty "while the United States is engaged in war," otherwise entitled to pension under the general pension law shall be entitled to pension at the rates provided for service, connected death compensation benefits for dependents of World War I veterans.

#### AS TO DEPENDENTS OF VETERANS OF THE INDIAN WARS

The surviving widow, child, or children, or dependent mother, or dependent father of any deceased person whose death resulted from injury or disease incurred in line of duty (but not aggravated) in active military or naval service in any of the Indian wars is entitled to pension under the general pension law and the eligibility requirements of the general pension law as outlined above, generally, including the marriage delimitation date for dependents of veterans of the Philippine Insurrection or Boxer Rebellion are for application. The rates provided by the general pension law are immaterial as the dependents of veterans of the Indian wars, otherwise entitled to pension under the

general pension law are entitled to pension at the rates provided for service-connected death compensation benefits for dependents of World War I veterans, where the death of the veteran resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service including such service under conditions simulating war, or (3) while the United States is engaged in war. (Public Law 359, 77th Cong., approved December 19, 1941.)

#### AS TO DEPENDENTS OF VETERANS OF PEACETIME SERVICE

The surviving widow, child, or children, and dependent parents of any deceased person whose death resulted from injury or disease incurred or aggravated in line of duty and not the result of misconduct, in active military or naval service on or after April 21, 1898, other than in a war period as defined in part I of Veterans Regulation No. 1 (a), as amended, i. e., during peacetime service, may be entitled to pension under part II of said regulation at the rates given below and the eligibility requirements are those prescribed by the Veterans Regulations as amended.

The rates of service-connected death pension payable in such cases, under Public Law 690, Seventy-seventh Congress, approved July 30, 1942, as to parents, and under section 14 (b), Public Law No. 144, Seventy-eighth Congress, approved July 13, 1943, which increased the rates as to widows and children are as follows:

Widow, no child.....	\$38
Widow, 1 child (with \$10 for each additional child).....	49
No widow, 1 child.....	19
No widow, 2 children, equally divided (with \$8 for each additional child, total amount to be equally divided).....	28
As to widow, child, or children, the total pension payable may not exceed.....	75
Dependent mother or father.....	30
Dependent mother and father (each).....	20

Under the Veterans Regulations, as amended, the widow of a "peacetime veteran" means a person who was married to the veteran prior to the expiration of 10 years subsequent to his discharge from the enlistment during which the injury or disease on account of which claim is being filed was incurred (par. 7, Veterans Regulation No. 10 (b)). Pension payable to a widow continues until her death or remarriage and where properly discontinued by reason of her remarriage, it may not thereafter be recommenced. The definitions of the terms "child," "parent," "mother," and "father" and rules as to dependency are the same as those mentioned above as to World War I cases.

The widow, child or children, or dependent mother, or dependent father of a veteran whose death resulted from injury or disease incurred or contracted (but not aggravated) in line of duty in active military or naval service in time of peace may be entitled to pension under the general pension law, if the veteran's service was prior to April 21, 1898, or under the general pension law as reenacted by Public Law 269, Seventy-fourth Congress, approved August 13, 1935, if the veteran served on or after April 21, 1898, and prior to July 5, 1902.

The eligibility requirements of the general pension law, including the marriage delimiting date as applied in Indian war cases, are for application where the veteran's service was prior to April 21, 1898. The eligibility requirements of the general pension law as reenacted, as

applied in Spanish-American War, Philippine Insurrection, and Boxer Rebellion cases are for application where the veteran served on or after April 21, 1898, and prior to July 5, 1902, except to the extent such requirements are modified by section 1, Public Law 144, Seventy-eighth Congress, approved July 13, 1943, which provides that the administrative, definitive, and regulatory provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended, will be applicable to benefits provided by the general pension law as reenacted by Public Law 269, Seventy-fourth Congress, August 13, 1935, as amended.

The remarried widow of a peacetime veteran, may not be restored to the rolls, under the general pension law, as a remarried widow must have been the lawful wife of the veteran during war service, except in Civil War cases.

The rates of pension payable under the general pension law are as follows:

Widow, no child (dependent upon rank of veteran) (for each child under age 16 years, or helpless child, \$2 additional).....	\$12- \$30
No widow. 1 child, widow's rate plus \$2, with \$2 for each additional child, equally divided; dependent mother (or dependent father) provided there is no widow or child entitled.....	12- 30

The dependents of any veteran whose death resulted from peacetime service prior to April 21, 1898, who are otherwise entitled to pension under the general pension law, may be paid the rates provided in part II, Veterans Regulation No. 1 (a), as amended, set forth above. (Public Law 758, 75th Cong., approved June 28, 1938; Public Law 690, 77th Cong., approved July 30, 1942; sec. 14 (b), Public Law 144, 78th Cong., approved July 13, 1943.)

The dependents of any deceased veteran whose death resulted from an injury or disease received in line of duty during peacetime service, as a direct result of armed conflict, or while engaged in extra hazardous service, including such service under conditions simulating war, otherwise entitled to pension under part II of Veterans Regulation No. 1 (a), as amended, or the general pension law are entitled to pension at the rates set forth above for wartime service-connected death compensation benefits for dependents of veterans of World War I. (Public Law 359, 77th Cong., approved December 19, 1941.)

#### **WHOSE DEATH RESULTED FROM DISABILITIES NOT INCURRED DURING SERVICE**

##### **AS TO DEPENDENTS OF VETERANS OF WORLD WAR I**

The surviving widow, child, or children of any deceased person who served in World War I on or after April 6, 1917, and before November 12, 1918, or before April 2, 1920, if the veteran served with the United States military forces in Russia, or during a reenlistment entered into on or after November 12, 1918, and before July 2, 1921, where the veteran had prior service between April 6, 1917, and November 11, 1918, and who, while receiving or entitled to receive compensation, pension, or retirement pay for 10-percent disability or more presumptively or directly incurred in or aggravated by service in World War I, dies or has died from a disease or disability not service-connected are entitled to death compensation benefits as set forth below. Where the veteran rendered service in World War I as stated

above and was honorably discharged after having served 90 days or more or having served less than 90 days was discharged for disability incurred in the service in line of duty and dies or has died from a disease or disability not service-connected and at the time of death had a disability directly or presumptively incurred in or aggravated by service in World War I for which compensation would be payable if the disability were 10 percent or more in degree, his unremarried widow, child, or children are likewise entitled to death compensation benefits at the rates given below.

These benefits are also payable to the unremarried widow, child, or children, otherwise eligible, of any deceased World War I veteran who prior to his death was suffering from paralysis, paresis, or blindness, or who was helpless or bedridden as the result of any disability and service connection for any of these conditions is or would have been reestablished under Public Law 196, Seventy-sixth Congress, approved July 19, 1939, which provides that compensation may be awarded under the laws and interpretations governing this class of cases prior to the enactment of Public Law 2, Seventy-third Congress, approved March 20, 1933, subject to the limitations, except as to misconduct or willful misconduct contained in sections 27 and 28 of Public Law 141, Seventy-third Congress, approved March 28, 1934, as amended. (Public Law 484, 73d Cong., approved June 28, 1934, as amended by Public Law 198, 76th Cong., approved July 19, 1939; Public Law 196, 76th Cong., approved July 19, 1939, as amended by Public Law 866, 76th Cong., approved October 17, 1940.)

The rates of compensation payable in such cases as recently increased, effective June 1, 1944, by Public Law 312, Seventy-eighth Congress, May 27, 1944, are as follows:

Widow with no children, \$35 per month.

Widow and one child, \$45 per month (with \$5 for each additional child).

No widow but one child, \$18 per month.

No widow but two children, \$27 (equally divided).

No widow but three children, \$36 (equally divided) (with \$4 for each additional child, total amount to be equally divided. The total compensation may not exceed \$64 per month).

No payments may be made to a widow without child, or to a child whose annual income exceeds \$1,000, or to a widow with a child or children, whose annual income exceeds \$2,500 per year. In determining annual income, any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration may not be considered. Where payments to a widow are disallowed or discontinued by reason of the income limitation, payment to a child or children of the deceased veteran may be made as though there is no widow. (Sec. 1 (c), Public Law 484, 73d Cong., approved June 28, 1934, as amended by sec. 11, Public Law 144, 78th Cong., approved July 13, 1943.)

The administrative, definitive and regulatory provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended are applicable to benefits provided under Public Law 484, Seventy-third Congress, approved March 28, 1934, as amended. (Sec. 1, Public Law 144, 78th Cong., approved July 13, 1943.)

Payments commence as of the day following the date of death if claim is filed within 1 year. In all other cases payment commences from the date of receipt of claim by the Veterans' Administration.



The widow must have been married to the veteran prior to May 13, 1938, and must not have remarried. Continuous cohabitation from date of marriage to date of death of the veteran is required unless there was a separation which was due to the misconduct of or procured by the veteran without the fault of the widow.

The term "child" means a person unmarried and under the age of 18, unless prior to reaching the age of 18 the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child, a child legally adopted, a stepchild if a member of the man's household, an illegitimate child but, as to the father only, if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support, or has been prior to his death judicially decreed to be the putative father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child. The payment of compensation may be continued after age 18, and until completion of education or training in an approved school, but not after such child reaches the age of 21 years. (Par VI, Veterans Regulation No. 10-Series as amended by sec. 7, Public Law 144, 78th Cong., approved July 13, 1943.)

Proof of service-connected disability or the degree thereof, may be filed after the death of the veteran. The cause of death is immaterial in establishing entitlement to compensation. Application for these benefits should be made on Veterans' Administration Form No. 534 and should be filed with the regional office of the Veterans' Administration in the jurisdiction in which the veteran was residing at the time of his death, except that in cases where payments of insurance benefits are also involved, the claim should be filed with the Central Office, Veterans' Administration, Washington, D. C.

#### AS TO DEPENDENTS OF VETERANS OF WORLD WAR II

The benefits of the above law (Public Law 484, 73d Cong.), as amended, were recently extended to widows and children of persons who served during the period of the present war, i e., on or after December 7, 1941, and before termination of hostilities, subject to the administrative, definitive, and regulatory provisions of Public Law 484, Seventy-third Congress, as amended. A widow of a World War II veteran is a person who was married to the veteran prior to the expiration of 10 years subsequent to the termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress. (Public Law 312, 78th Cong., May 27, 1944; sec. 6, Public Law 144, 78th Cong., July 13, 1943.)

#### AS TO DEPENDENTS OF VETERANS OF THE SPANISH-AMERICAN WAR, PHILIPPINE INSURRECTION, OR BOXER REBELLION

The surviving widow, child, or children of a deceased veteran of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion who served in active military or naval service 90 days or more during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, and was honorably discharged therefrom, or who, having served less than 90 days was discharged for disability incurred in line of duty, who is shown to have been in active service before cessation of hostil-

ities and whose death was not due to any service-connected disability may be entitled to death pension benefits under part III, Veterans Regulation No. 1 (a), as amended, subject to the eligibility requirements of the Veterans Regulations, as amended. The requirement as to honorable discharge has been modified by the Servicemen's Readjustment Act of 1944 which provides that a discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to benefits provided by Public Law 2, Seventy-third Congress, as amended (sec. 1503, Public Law 346, 78th Cong., June 22, 1944). Such dependents may also be entitled to pension under the Spanish-American War service pension acts, as reenacted by Public Law 269, Seventy-fourth Congress, August 13, 1935, subject to the eligibility requirements thereof as modified by section 1, Public Law 144, Seventy-eighth Congress, July 13, 1943. This section provides that the administrative, definitive, and regulatory provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations, as now or hereafter amended, shall be applicable to benefits provided under the service pension acts, as reenacted, and further, that where solely as a result of application of the definition of the term "child" as contained in paragraph VI of Veterans Regulation No. 10 -Series, as amended by said act, the child or children of any deceased veteran of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion would be entitled to pension under the service pension acts, as reenacted, the rates of service pension applicable to such child will be those provided in Public Law 484, Seventy-third Congress, as amended.

The monthly rates payable under part III, Veterans Regulation No. 1 (a), as amended, are as follows:

Widow, no child.....	\$15
Widow, 1 child (with \$3 for each additional child).....	20
No widow, 1 child.....	12
No widow, 2 children.....	15
No widow, 3 children (with \$2 for each additional child, total to be equally divided).....	20
As between widow and children the total amount may not exceed.....	27

These benefits are not payable to any unmarried person (child) whose annual income exceeds \$1,000 or to any married person (widow) with minor children whose annual income exceeds \$2,500. In determining annual income, payments of war-risk term insurance, United States Government life (converted) insurance, national service life insurance, and payments under the World War Adjusted Compensation Act, as amended, the Adjusted Compensation Payment Act, 1936, and amounts received as overtime compensation or additional compensation for overtime Federal employment may not be considered. (Par. II (a), Part III, Veterans Regulation No. 1 (a); sec. 403, Public Law No. 844, 74th Cong., approved June 29, 1936; sec. 12, Public Law No. 49, 78th Cong., approved May 7, 1943.) The widow of a veteran of the Spanish-American War, Philippine Insurrection, or Boxer Rebellion is a person who was married to the veteran prior to September 1, 1922. Pension payable to a widow continues until her death or remarriage and where properly discontinued by reason of her remarriage, it may not thereafter be recommenced. On or after March 1, 1944, continuous cohabitation from date of marriage to date of death except where there was a separation which was due to the

misconduct of or procured by the veteran without the fault of the widow is required. (Public Law 242, 78th Cong., March 1, 1944.) The term "child" is the same as that applicable to a child of a World War I veteran entitled to service-connected death benefits.

Under the Spanish-American War service pension acts, as reenacted, the widow who married the veteran prior to September 1, 1922, may be entitled to pension at the rate of \$30 monthly with \$6 monthly additional for each child under age 16 years and the pension for the child may be continued after it attains the age of 16 years if such child was mentally or physically helpless prior to attaining age 16 years and was under age 16 at the time of the veteran's death. This latter requirement was removed by the act of April 1, 1944, referred to on page 91 and now a helpless child of any age, who was helpless on attaining age 16 and at the date of filing claim, may be entitled to service pension, irrespective of the age of such child at the time of the veteran's death. Pension to such helpless child will be discontinued as of the date preceding his or her marriage and when properly discontinued by reason of the marriage of such child, may not thereafter be recommenced. If there is no widow entitled, the child is entitled to the widow's rate plus \$6 monthly and \$6 per month is added for each additional child, the total amount being equally divided.

Under a recent amendment to the Spanish-American War service pension acts, the \$30 monthly pension is payable to a widow of a veteran of the Spanish-American War, the Philippine Insurrection or the Boxer Rebellion, who married the veteran prior to January 1, 1938, and this pension will be increased to \$40 per month when the widow attains the age of 65 years. Pension at the rate of \$50 per month is provided for a widow who was the wife of the veteran during the period of his service. However, no pension, or increase in pension may be allowed on or after March 1, 1944, to the widow under any law, unless there was continuous cohabitation from the date of marriage to the date of death with the veteran, except where there was a separation which was due to misconduct of or procured by the veteran without the fault of the widow. This amendatory provision may not be construed so as to discontinue any pension granted prior to its enactment. (Public Law 242, 78th Cong., approved March 1, 1944.)

Where solely as a result of applying the definition of the term "child" as contained in the Veterans Regulations, service pension is payable for a child after such child attains the age of 16 years, the widow is entitled to continue to receive \$6 per month for such child after the child's sixteenth birthday so long as the child is entitled to pension. If there is no widow, however, the rate payable on or after June 1, 1944 for one child is \$18; for two children, \$27, equally divided; for three children, \$36, equally divided, with \$4 for each additional child, the total amount to be equally divided. The total amount payable may not exceed \$64.

Under the service pension acts, the child must be the legitimate child of the veteran, but a child born before marriage of the parents, if acknowledged by the father before or after marriage of the parents, is deemed legitimate. Marriage of the child does not affect its right to pension but the marriage of a helpless child raises the presumption that the helpless condition has ceased but this presumption may be rebutted on showing that helplessness continues notwithstanding the

marriage. For definition of the term "child" as contained in the Veterans Regulations, see page 88.

A remarried widow may be restored to the roll where her subsequent marriage was terminated by death of her husband, or by divorce on any ground except adultery on the part of the wife. The open and notorious adulterous cohabitation of a widow operates to terminate her pension.

#### AS TO DEPENDENTS OF VETERANS OF THE CIVIL WAR

The surviving widow, child, or children of a deceased veteran of the Civil War who served 90 days or more and was honorably discharged from all contracts of enlistment or who having served less than 90 days was discharged for or died in service of disability incurred in the service in line of duty, or who prior to June 9, 1930, had been allowed a pension as a Civil War veteran under existing service pension laws, and whose death was not due to service may be entitled to pension under the Civil War service pension acts, if otherwise eligible.

Unless the widow was the wife of the veteran during the Civil War service, she must have married the veteran prior to June 27, 1905. The rate payable to a widow under age 70 is \$30 per month and at age 70 or over \$40 per month. If she was his wife during service, the rate payable is \$50 per month. The widow is entitled to \$6 monthly additional for each child under age 16 years (continuing after age 16 years if the child became physically or mentally helpless before attaining that age) provided the child was under age 16 at the time of the veteran's death. This latter requirement was removed by the act of April 1, 1944 (Public Law 280, 78th Cong.), and now a helpless child of any age who was helpless on attaining age 16 and at the date of filing claim may be entitled to service pension, irrespective of the age of the child at the time of the veteran's death. Pension to such helpless child will be discontinued as of the date preceding his or her marriage and, when properly discontinued by reason of the marriage of such child, may not thereafter be recommenced. If there is no widow entitled, the widow's rate (not exceeding \$30 monthly) plus \$6 monthly is payable to a child with \$6 for each additional child, the total amount being equally divided among the children.

The child must be the legitimate child of the veteran but a child born before the marriage of the parents, if acknowledged by the father before or after the marriage is deemed legitimate. Marriage of the child does not affect its right to pension but the marriage of a helpless child raises the presumption that the helpless condition has ceased but this presumption may be rebutted on showing that helplessness continues notwithstanding the marriage.

The open and notorious adulterous cohabitation of the widow operates to terminate her pension from commencement of such cohabitation.

A remarried widow may be restored to the roll upon termination of her subsequent marriage by death of her husband, or divorce on any ground except adultery on the part of the wife.

#### AS TO DEPENDENTS OF VETERANS OF THE INDIAN WARS

The surviving widow, child, or children of a deceased veteran of the Indian wars who served 30 days or more in any Indian war or campaign or in connection with or in the zone of active Indian hostilities or

during the entire period of a campaign lasting less than 30 days in said Indian wars and whose death was not due to service-connected disability may be entitled to pension under the Indian wars' service pension acts, if otherwise eligible.

The widow must have married the veteran prior to March 4, 1917. The rate payable to a widow is \$30 per month with \$6 monthly for each child under 16 years of age or child over age 16 years who became permanently helpless by reason of physical or mental defect prior to age 16 years provided the child was under age 16 at the time of the veteran's death. This latter requirement was removed by the act of April 1, 1944 (Public Law 280, 78th Cong.), and now a helpless child of any age who was helpless on attaining age 16 and at the date of filing claim may be entitled to service pension, irrespective of the age of the child at the time of the veteran's death. Pension to such helpless child will be discontinued as of the date preceding his or her marriage and, when properly discontinued by reason of the marriage of such child, may not thereafter be recommenced. Children were not entitled to service pension prior to March 3, 1927. Since that date, if there is no widow, the widow's rate plus \$6 monthly is payable if there is one child with \$6 per month for each additional child, the total amount to be equally divided among the children.

The child must be the legitimate child of the veteran, but a child born before the marriage of the parents, if acknowledged by the father before or after the marriage, is deemed legitimate. Marriage of the child does not affect its right to pension but the marriage of a helpless child raises the presumption that the helpless condition has ceased but this presumption may be rebutted on showing that helplessness continues notwithstanding the marriage.

The open and notorious adulterous cohabitation of a widow operates to terminate her pension from the commencement of such cohabitation.

A widow remarried once or more than once may be restored to the roll if her subsequent or successive marriage is dissolved by death of her husband or divorce without fault of the wife.

Under a recent amendment to the act of March 3, 1927, the dependent unmarried widow who is barred from receiving pension because her marriage to the veteran occurred subsequent to March 3, 1917, but who is otherwise entitled to pension, may be granted a pension in her own right and the additional pension provided for minor and helpless children provided she has attained the age of 60 years, was married to the veteran 10 or more years prior to his death and lived with him continuously from date of marriage to date of his death except where there was a separation which was due to or procured by the veteran without the fault of the widow. If pension has been granted to a helpless child of the veteran or to a child or children of the veteran under 16 years of age, the widow will not be entitled to pension until the pension to the child or children terminates unless such child or children are members of her family and cared for by her. When these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children will cease. However, if the amount being paid to such child or children is less than the amount payable to the widow, the difference between said amounts will be paid to the widow.

A widow otherwise entitled to pension who has attained or upon attaining the age of 70 years is entitled to pension at the rate of \$40 per month and a widow otherwise entitled to pension who was the

wife of the veteran during the period of his service in an Indian war or campaign is entitled to pension at the rate of \$50 per month. Pension or increase of pension authorized by this amendment may not be paid to a widow who has remarried either once or more than once since the death of the veteran and upon remarriage of such a widow her pension will be terminated. (Public Law 245, 78th Cong. approved March 3, 1944).

**WHOSE DEATH RESULTED FROM TRAINING, HOSPITALIZATION, MEDICAL OR SURGICAL TREATMENT OR EXAMINATION**

Where death of a veteran results from submitting to an examination under authority of any of the laws granting monetary or other benefits to World War I veterans, or from training, hospitalization, or medical or surgical treatment awarded under any of the laws granting monetary or other benefits to World War I veterans, the rates of compensation or pension payable to the surviving widow, child, or children or dependent parent or parents of such veteran are as follows:

1. When the veteran served in a war, the rates are as follows:

Widow under age 50 years.....	\$30
Widow 50 to 65 years of age.....	35
Widow over 65 years of age.....	40
Widow with 1 child, \$10 additional for such child to age 10, increased to \$15 from age 10, with \$8 for each additional child up to 10 years of age, increased to \$13 from age 10.	
No widow, 1 child.....	20
No widow, 2 children (equally divided).....	33
No widow, 3 children (equally divided) (with \$8 for each additional child, total amount to be equally divided).....	46
Dependent mother or father.....	20
Dependent mother and father, each.....	15

The total amount payable may not exceed \$75. Where such benefits would otherwise exceed \$75 the amount of \$75 may be apportioned.

2. When the veteran served during peacetime, the rates are as follows:

Widow under 50 years of age.....	\$22
Widow 50 to 65 years of age.....	26
Widow over 65 years of age.....	30
Widow with 1 child, \$7 additional for such child up to 10 years of age, increased to \$11 from age 10 (with \$6 for each additional child up to 10 years of age, increased to \$9 from age 10).	
No widow, 1 child.....	15
No widow, 2 children (equally divided).....	24
No widow, 3 children (equally divided) (with \$6 for each additional child, total amount to be equally divided).....	34
Dependent mother or father.....	15
Dependent mother and father (each).....	11
The total amount payable may not exceed.....	56
Where such benefits would otherwise exceed \$56, the amount of \$56 may be apportioned.	

The foregoing will not preclude payment of a higher rate under a service or other pension act where authorized.

No benefits as provided above will be awarded unless application is made therefor within 2 years after such death occurred or after October 17, 1940, whichever is later. Application for such benefits should be filed on Veteran's Administration Form 577 and Form 534 or Form 535 unless either of these forms has previously been submitted. (Sec. 31, Public Law 141, 73d Cong., approved March 28, 1934; sec. 12, Public Law 866, 76th Cong., approved October 17, 1940.)

**COMPENSATION, PENSION, OR RETIREMENT PAY DUE AND UNPAID  
AT DEATH**

Pension, compensation, or retirement pay authorized under laws administered by the Veterans' Administration, to which a person was entitled prior to his death, and not paid during his lifetime, and due and unpaid for a period not to exceed 1 year prior to death will be paid by the Veterans' Administration as follows:

1. Upon the death of any person receiving an apportioned share of the veteran's pension, compensation, or retirement pay, all or any part of such unpaid amount will be paid to the veteran or to any other dependent or dependents as may be determined by the Administrator of Veterans' Affairs.

2. Upon the death of the veteran, to the surviving spouse; if there is no surviving spouse, to the child or children; if there are no child or children, to the dependent mother or father.

3. Upon the death of the widow, or remarried widow, to the veteran's child or children.

4. Upon the death of a child, to the surviving child or children of the veteran entitled to death compensation or pension.

5. In all other cases, only so much of the unpaid pension, compensation, or retirement pay may be paid as may be necessary to reimburse a person who bore the expense of last sickness or burial. No part of the accrued pension, compensation or retirement pay may be used to reimburse any political subdivision of the United States for expense incurred in the last sickness or burial of such person.

No payment of the benefits mentioned above will be made unless claim therefor is received in the Veterans' Administration within 1 year from date of death of the beneficiary or before July 14, 1944, whichever is later, and unless the claim is perfected by the submission of the necessary evidence within 1 year from the date such evidence is requested by the Veterans' Administration.

Whenever a claim is filed for compensation or pension by the widow, child, or dependent parent or for an apportioned share of compensation or pension, such claim is deemed to include a claim for accrued benefits.

When a check is received by a payee in payment of pension, compensation or retirement pay, such check becomes an asset of the estate of the payee, in the event of the death of the payee on or after the last day of the period covered by such check. (Par. V, pt. I, Veterans Regulation No. 2 (a), as amended by sec. 12, Public Law 144, 78th Cong., approved July 13, 1943.)

**DEATH GRATUITY**

A death gratuity, in the nature of life insurance, equal to 6 months' pay at the rate received by the veteran at the time of his death is authorized to be paid upon official notification of the death of any member of the military or naval forces of the United States from wounds or disease not the result of misconduct when on active duty with such forces. Included in this group are commissioned officers, warrant officers, nurses, and enlisted men of the Regular Army or Regular Navy or Regular Marine Corps including the Coast Guard; retired and Reserve components thereof when on active duty but not former members of the Women's Army Auxiliary Corps; transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve;

officers, warrant officers, and enlisted men of the Army of the United States other than officers and enlisted men of the Regular Army, if called for extended military service in excess of 30 days other than for service with the Civilian Conservation Corps; commissioned officers of the Coast and Geodetic Survey; commissioned officers of the Public Health Service, regular or reserve on active duty in the Public Health Service since December 7, 1940, or while detailed to the Army, Navy, or Marine Corps; and the teacher of music, the leader of the Military Academy Band, and during the present war and for 6 months thereafter, female dietetic and physical therapy personnel and technical and professional female personnel in the Medical Department (Army), and Women's Army Corps (10 U. S. C. 903, 903a, 456, 81 (footnote), 1086; 34 U. S. C. 943, 944; Public Law 198, 78th Cong., December 17, 1943; Public Law 269, 78th Cong., March 29, 1944; 33 U. S. C. 870; Public Law 184, 78th Cong., November 11, 1943).

The death gratuity is payable first to a widow, and if there is no widow, to the child or children of the deceased veteran without designation and without any showing other than relationship. Under the law relating to Army service, the death gratuity may not be paid to any married child whatsoever, or to any unmarried child over 21 years of age not actually dependent. If there is no widow or child, the death gratuity is payable to any other dependent relative previously designated by the veteran. Where a mother, father, brother, or sister is designated, such dependents have been held by the Comptroller General to have an insurable interest in the life of the deceased veteran by reason of the relationship alone and a showing of actual dependency, even to a limited degree, will not be required. As to more distant relatives, evidence to show an insurable interest will be required. No definite rule has been established as to what will constitute an insurable interest as such a determination depends upon the facts in each individual case. However, the Comptroller General has suggested that evidence tending to show prior conditions of *in loco parentis* between such relatives and the decedents; contributions from one to the other for support, education, etc.; a debtor-creditor relationship; or other conditions and circumstances resulting in the reasonable expectation of some benefit or advantage from the continuance of the life of the decedent may be considered. If there be no widow, child, or previously designated dependent relative, the amount may be paid to any grandchild, parent, brother or sister, or grandparent shown to have been dependent upon the deceased prior to his or her death. As to this latter group, dependency must be shown to the satisfaction of the Secretary of War or Secretary of the Navy, as the case may be, whose decision as to the fact of dependency is conclusive. In the event of the death of any beneficiary before payment to and collection by such beneficiary of the amount authorized, such amount will be paid to the next living beneficiary in the order of succession stated.

Transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve are required by law to file with the Navy Department the name of a beneficiary other than wife or child to which payment of the death gratuity will be made in the event of their death while on active duty and not the result of their own misconduct (10 U. S. C. 903, 903a, 456, 81 (footnote), 1086; 34 U. S. C. 943, 944; Public



Law 269, 78th Cong., March 29, 1944; 33 U. S. C. 870; Public Law 184, 78th Cong., November 11, 1943).

Applications for the 6 months' death gratuity should be submitted to the Chief of Finance, War Department, Washington, D. C., where service was in the military forces; to the Bureau of Navigation, Navy Department, Washington, D. C., where the service was in the naval forces; to the Commandant, United States Marine Corps, Headquarters, United States Marine Corps, Washington, D. C., in the case of members of the Marine Corps; and to the Commandant, United States Coast Guard, Washington, D. C., in the case of members of the Coast Guard.

#### **EFFECT OF FORFEITURE OF BENEFITS BY VETERAN WITH RESPECT TO PAYMENT OF DEATH BENEFITS**

Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15, Public Law 2, Seventy-third Congress, approved March 20, 1933, does not prohibit payments of death benefits for service-connected death. Forfeiture of benefits by a veteran under the statutes aforementioned may not be construed to prohibit payments under Public Law 484, Seventy-third Congress, as amended to dependents of veterans of World War I who were suffering from a service-connected disability at time of death but whose death was not due to, service. (Sec. 9, Public Law 866, 76th Cong., approved October 17, 1940.)

## PART V

### DOMICILIARY OR HOSPITAL CARE, INCLUDING MEDICAL TREATMENT

The Veterans' Administration is authorized under Public Law 2, Seventy-third Congress, March 20, 1933, as amended and the Veterans Regulations issued thereunder, as amended, to furnish domiciliary or hospital care, including medical treatment, within the limits of its facilities, to persons who served in the armed forces of the United States and are in need of such care, and under the conditions hereinafter enumerated.

The term "its facilities," as used when referring to the granting of hospital or domiciliary care, means those facilities of the Veterans' Administration and referred to on pages 3 and 4 hereof; those other Government institutions under contract with the Veterans' Administration; those private institutions under contract either for the care of veterans suffering from service-connected disabilities, for the care of women veterans of any war, or for the care of war veterans in the Territories or possessions of the United States.

Admissions to Veterans' Administration facilities are granted the following classes of applicants in the specified order of preference:

(1) Hospital treatment for (a) persons who served during the period of World War I from April 6, 1917, to November 11, 1918, or to April 1, 1920, if service was in Russia, or in any war prior to the Spanish-American War, or during the Spanish-American War, Philippine Insurrection, Boxer Rebellion from April 21, 1898, to July 4, 1902, or to July 15, 1903, if service was in Moro Province, or on or after December 7, 1941, and before termination of hostilities in World War II (as determined by proclamation of the President or by concurrent resolution of the Congress) including those who had active duty as a member of the Women's Army Auxiliary Corps, Women's Army Corps, Women's Reserve of the Navy and Marine Corps, and Women's Reserve of the Coast Guard when honorably discharged from their last period of war service and when suffering from injuries or diseases incurred or aggravated in line of duty in the active military or naval service, and for which they are medically determined to be in need of hospital treatment; and (b) retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had honorable service in a period of a war as defined in (1) (a) hereof, and are medically determined to need hospital treatment for an injury or disease incurred in line of duty in active military or naval service; and (c) persons who on or after April 6, 1917, and prior to November 12, 1918, applied for enlistment or enrollment in the active military or naval forces and who were provisionally accepted and directed or ordered to report to a place for final acceptance into such military service, or who on or after April 6, 1917, and prior to

November 12, 1918, were drafted and after reporting pursuant to the call of the local draft board and prior to rejection, or who on or after April 6, 1917, and prior to November 12, 1918, after being called into the Federal service as members of the National Guard but before being enrolled for the Federal service suffered injury or disease in line of duty and not the result of their own misconduct, for which they are receiving disability compensation and for which they are in need of hospital treatment.

(2) Hospital treatment for officers and enlisted personnel of the Army, Navy, Marine Corps, and Coast Guard, or Reserve officers and members of the Enlisted Reserves, or officers and enlisted men of the National Guard of the United States or persons who were accepted for selective training who were honorably discharged from Federal service for disabilities incurred in line of duty, or who in receipt of pension for a service-connected disability, when suffering from injuries or diseases incurred or aggravated in line of duty in active Federal service and for which they are medically determined to be in need of hospital treatment. Cadets and midshipmen discharged from the academies at West Point and Annapolis who meet these requirements as to character of discharge or receipt of pension are eligible regardless of the requirement as to active military or naval service. (Service on or after December 7, 1941, and before termination of hostilities incident to the present war as a cadet at the United States Military Academy or United States Coast Guard Academy or as midshipman at the United States Naval Academy is considered active military or naval service in World War II)

(3) Hospital or domiciliary care, including emergency or extensive hospital treatment, for (a) veterans who served during a period of war as defined in (1) (a) who have an honorable discharge from their last period of war service; served in the active military or naval service for 90 days or more, or who, having so served for less than 90 days, were discharged for disability incurred in line of duty; who are suffering from a permanent disability, tuberculous or neuropsychiatric ailment, or such other conditions requiring emergency or extensive hospital treatment; and are incapacitated from earning a living and have no adequate means of support; and (b) officers and enlisted men retired from the Regular Establishment, Army, Navy, Marine Corps, Coast Guard who served honorably in a war period as defined above and subject to these same requirements.

(4) Hospital or domiciliary care, including emergency or extensive hospital treatment, for officers and enlisted personnel of the United States Army, Navy, Marine Corps, or Coast Guard, or Reserve officers and members of the Enlisted Reserves, or officers and enlisted men of the National Guard of the United States or persons accepted for selective training who were honorably discharged from active Federal service for disability incurred in line of duty, or who are in receipt of pension for service-connected disability when suffering from a permanent disability or tuberculous or neuropsychiatric ailment, or such other conditions requiring emergency or extensive hospital treatment and who are incapacitated from earning a living and have no adequate means of support.

(5) Hospital treatment or domiciliary care for veterans who served regardless of length of service during a period of war as defined above who (a) were not dishonorably discharged from their last period of

war service; (b) swear that they are unable to defray the expenses of hospitalization or domiciliary care, including the expense of transportation to and from a Veterans' Administration facility; and (c) are suffering with a disability, disease, or defect which, being susceptible of cure or decided improvement, indicates need for hospital care, or which, being essentially chronic in type and not susceptible of cure or decided improvement by hospital care, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care.

Section 4 of the act of October 17, 1940 (Public Law 866, 76th Cong.), provides that in the discretion of the Administrator of Veterans' Affairs necessary hospital care, including medical treatment, may be furnished to veterans who are citizens of the United States and who are temporarily sojourning or residing abroad for disabilities due to war service in the armed forces of the United States.

#### LIBERALIZATION OF DISCHARGE REQUIREMENTS

The requirement as to honorable discharge has been modified by the Servicemen's Readjustment Act of 1944 which provides that a discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to benefits provided by Public Law 2, Seventy-third Congress, as amended. (Sec. 1503, Public Law 346, 78th Cong., June 22, 1944 )

Application for Domiciliary or Hospital Care (Veterans' Administration Form P-10) should be executed by the applicant or nearest relative, guardian, or representative and forwarded to the nearest Veterans' Administration facility. If the veteran is found to be eligible for admission he will be promptly notified, and if he cannot be admitted the veteran will be so informed and the reason stated.

#### FOR RETIRED OFFICERS AND ENLISTED MEN

Section 4 of the act of July 19, 1939, provides hospitalization and domiciliary care in Veterans' Administration facilities for retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, who served honorably during a war period as recognized by the Veterans' Administration, on a parity with other war veterans and subject to those provisions of paragraph VI of Veterans Regulation No. 6 (a), as amended, which provide for a reduction of monetary benefits to veterans having neither wife, child, nor dependent parent while being furnished hospital treatment, institutional, or domiciliary care by the United States or any political subdivision thereof.

#### HOSPITALIZATION IN EMERGENCIES

Under certain conditions, emergency hospitalization is granted, but before proceeding to a Veterans' Administration facility, the veteran, or someone acting for him, should communicate with the nearest facility by telephone or telegraph and request authority for admission and for transportation, if necessary.

Prior authority is necessary before a person may be reimbursed for any expenses incurred.

### OUT-PATIENT TREATMENT

Veterans whose disabilities are connected with their military service may in addition to hospitalization and domiciliary care receive out-patient treatment, medical or dental, including necessary medicines, prosthetic appliances, and other supplies for their service-connected diseases or injuries or for a non-service-connected condition which is associated with and held to be aggravating a service-connected disability. Treatment may be given at a Veterans' Administration facility or regional office, or be authorized to be given by a physician or dentist in the applicant's home community and, where necessary, treatment may be authorized at the applicant's place of residence.

No application form is required to secure treatment for a service-connected condition, but request for the treatment should be addressed to the appropriate field office of the Veterans' Administration.

Persons adjudged in need of and authorized to report for out-patient treatment may be furnished transportation and necessary meal and lodging requests.

### DENTAL TREATMENT

Dental treatment may be granted for service-connected dental or oral disabilities whether compensable or otherwise or for a dental condition, not service connected but medically determined to be aggravating disability from an associated systemic disorder that is either service connected or not service connected.

### TRANSPORTATION

When prior authorization is obtained from the Veterans' Administration, transportation may be supplied at Government expense to eligible claimants or beneficiaries whose admission to a facility is authorized for observation and examination, or for hospital treatment of service-connected conditions, or for hospital or domiciliary care for non-service-connected conditions when a sworn statement is made on their application that they are unable to defray transportation expenses and, except under certain circumstances, for out-patient examination or out-patient treatment for service-connected conditions, including adjunct treatment. Upon completion of hospitalization for treatment or for observation and examination, and regular discharge, or completion of out-patient service return transportation will be supplied a claimant or beneficiary to the place from which he entered the facility or to some other point if no additional expense will be occasioned thereby. Meals and lodgings en route Pullman accommodations, and accompaniment by an attendant or attendants may be authorized when determined necessary for the travel.

### CLOTHING

Veterans who are receiving domiciliary or hospital care in Veterans' Administration facilities may be supplied with clothing at Government expense or may have it altered or repaired when both of the following conditions are met:

(1) When necessary for the protection of health or for sanitary reasons; and

(2) When the beneficiary is without means and is receiving less than \$10 per month from any source or although in receipt of \$10 or more monthly, is continuously contributing any portion thereof to dependents so as to reduce his monthly income below \$10 for his personal use. An adjusted-service certificate or adjusted-service bonds will not be regarded as income but funds derived from an adjusted-service certificate or adjusted-service bonds will be taken into consideration in determining eligibility to have clothing furnished at Government expense. Any or all funds in excess of \$75, regardless of the source, which may accumulate from income of less than \$10 monthly will be applied to purchase of required clothing.

### PROSTHETIC APPLIANCES

Artificial limbs and prosthetic appliances may be furnished during hospitalization under the following conditions:

(1) When the disability requiring an artificial limb or appliance is service connected.

(2) When required as adjunct to a service-connected disability.

(3) When the condition for which hospitalized itself requires a prosthetic appliance or is associated with another disease or injury necessitating such appliance.

When receiving domiciliary care, artificial limbs and orthopedic and prosthetic appliances, including necessary repairs and clothing made necessary by the wearing of such appliances, will be furnished when required as an incident to the care or treatment furnished.

Under the Servicemen's Readjustment Act of 1944, it is provided that any person entitled to a prosthetic appliance shall be entitled, in addition, to necessary fitting and training, including institutional training, in the use of such appliance, whether in a service or a Veterans' Administration hospital, or by out-patient treatment, including such service under contract. (Sec. 104, Public Law 346, 78th Cong., approved June 22, 1944.)

#### ARTIFICIAL LIMBS OR OTHER APPLIANCES FOR RETIRED OFFICERS AND ENLISTED MEN OF THE ARMY, NAVY, MARINE CORPS, OR COAST GUARD AND CERTAIN CIVILIAN EMPLOYEES OF THE MILITARY OR NAVAL SERVICE, REGULAR ESTABLISHMENT

Under laws which have been in effect for many years retired officers and enlisted men of the Army, Navy, Marine Corps, or Coast Guard, and certain civilian employees of the military or naval service, Regular Establishment, who lost a limb or the use thereof through injury or disease incurred or contracted in line of duty in the military or naval service at any time, were provided with an artificial limb or other appliance or commutation in lieu thereof, at least once in every 3 years. These laws were recently repealed since retired officers and enlisted men who served honorably during a war period may be provided with an artificial limb or other appliance, but no commutation, as an incident of hospital or domiciliary care. The rights of those retired officers and enlisted men who had no wartime service and who are not eligible for hospital or domiciliary care under laws administered by the Veterans' Administration were saved by a provision that such retired officers and enlisted men who lost a limb or the use thereof through injury or disease incurred or contracted in line of duty in the military or naval service at any time may be pro-

vided with an artificial limb or other appliance found by the Administrator of Veterans' Affairs to be reasonably necessary in medical judgment for such injury or disease, including necessary transportation to effect the fitting thereof. No commutation in lieu thereof is payable.

The United States Employees' Compensation Commission, under such regulations as the Commission may prescribe is authorized to furnish any civilian employee of the military or naval service, Regular Establishment, who lost a limb or the use thereof through injury or disease incurred or contracted in line of duty as such prior to September 7, 1916, with an artificial limb or other appliance or commutation in lieu thereof, at least once in every 3 years, including necessary transportation to effect the fitting thereof. (Public Law 308, 78th Cong., May 23, 1944.)

#### TOBACCO, TOILET ARTICLES, ETC.

Beneficiaries receiving hospitalization or domiciliary care in Veterans' Administration facilities, if their net income from all sources is less than \$6 per month, may, if needed, be furnished with such articles as smoking tobacco, cigarettes, pipes, matches, shoe polish, postage stamps, writing paper and letter envelopes, hair combs and brushes, tooth brushes, tooth paste, safety razors, safety-razor blades, shaving brushes, shaving cream or shaving soap, and barber service.

#### DIAGNOSTIC CENTERS

Diagnostic centers, which have a consulting staff of specialists of national reputation were created for the study of problem cases, regarding which no satisfactory conclusion can be reached or irreconcilable differences of medical opinion exist at other field stations. These centers constitute the final resort for establishing definitive diagnosis or indicated treatment in controversial cases. The reports of diagnostic centers are to be accepted by the adjudicating agencies as superior to and superseding all previous reports from other sources. In controversial cases if the difference of opinion cannot be reconciled upon reconsideration of the case by the diagnostic center, the determination of the medical director will be final and constitute the basis for subsequent action by any agency of the Veterans' Administration.

Admission to a diagnostic center may be authorized by the chief medical officer or clinical director of a field station who desires definitive advice regarding the identity and treatment of the condition of a patient which have remained obscure after exhaustion of all diagnostic resources at his station, and by the chief medical officer when requested by the adjudication officer at his station or by central office.

## PART VI

### PROOF AND PROCEDURE AS TO CLAIMS

#### PROCEDURE FOR FILING CLAIMS FOR VETERANS OF WORLD WAR II PRIOR TO DISCHARGE FROM SERVICE

The American Red Cross has been designated as an agency to contact active servicemen in the Army and Navy hospitals, and to assist them in the preparation of their applications for pension. Upon the filing of such applications, or any time thereafter, the veteran has the right to designate any one of the several veteran or service organizations recognized by the Administrator of Veterans' Affairs (see pt. VII) to act as their attorney in fact.

The American Red Cross has undertaken, by a special bulletin to all of its field representatives, to see to it that such representatives advise servicemen of their rights, and to assist them in filling out Form P-22, so designating such veteran organization.

The following circular which has been released by the War Department will be of interest to military personnel in connection with filing of claims for benefits under laws administered by the Veterans' Administration.

CIRCULAR  
No. 315 }

WAR DEPARTMENT,  
Washington 25, D. C., 4 December 1943.

\* \* \* \* \*

VI *Veterans Administration*—1. The expeditious consideration of claims of military personnel being discharged on a Certificate of Disability for Discharge is of vital importance and is of great concern to the War Department. To facilitate this processing, authority is granted for Veterans Administration personnel to function at military installations. Such personnel will be assigned by managers of Veterans Administration facilities normally to installations, such as general hospitals, from which men are discharged in considerable numbers. They will perform duties relating to the adjudication of claims for benefits under laws administered by the Veterans Administration.

2 Commanding officers of military installations will cooperate fully with authorized Veterans Administration personnel and will provide space upon request of the manager of a Veterans Administration facility. The commanding officer will also furnish necessary equipment within his available means.

3. Where Veterans Administration personnel are functioning at a military installation in accordance with this circular, such personnel will be construed as being the nearest Veterans Administration office for the purposes outlined in paragraph 16e (1), (2), and (3), AR 615-360 (C 4).

[A. G. 292 (27 Nov 43) ]

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,  
*Chief of Staff.*

OFFICIAL:  
J. A. ULIO,  
*Major General,  
The Adjutant General.*



### EVIDENCE

As a prerequisite to the obtaining of benefits under laws pertaining to veterans and their dependents a proper application or claim must be filed with the Veterans' Administration unless otherwise provided. All questions on the application form must be clearly and completely answered. If the answer is not known, the applicant should so state, and if more space is required, blank paper should be used and attached to the application form. Accompanying the form should be a copy of the veteran's discharge and any affidavits or other papers necessary by reason of the nature of the claim made.

#### PROOF OF MARRIAGE

Proof of marriage should be shown by the best evidence obtainable, as stated below in the order of importance:

1. By duly certified copy of the public or church record of marriage; or

2. If not obtainable, a statement of the reason for the nonproduction and the affidavit of the clergyman or magistrate who officiated; or

3. If such affidavit is not procurable, by the production of the original marriage certificate accompanied by proof of its genuineness and the authority of the person to perform the marriage; or

4. By the affidavit of two or more eyewitnesses to the ceremony.

In jurisdictions where common-law marriages are recognized, proof may be made by affidavit of one or both parties to the marriage, if living, supplemented by affidavits of two or more witnesses who know that the parties lived together as husband and wife and were so recognized, and stating how long to their knowledge such relationship continued, and so forth.

#### PROOF OF BIRTH

To prove the birth or date of birth of an individual, a certified copy of the public record of birth or church record of baptism, certified to by the legal custodian of such records, should be obtained. If neither of these records is obtainable, the reason for its nonproduction should be stated and an affidavit secured from the physician or midwife in attendance at the birth, or the affidavits of two or more disinterested persons who should state their ages, and the name, date, and place of birth of the person whose birth or age is being established, and that from their own knowledge the person is the child of such parents, naming the parents. If none of the above evidence is obtainable and failure to secure this evidence is satisfactorily explained, consideration will be given to the best evidence otherwise obtainable, i. e., Bible or family records, census records, etc.

#### PROOF OF DEATH

Proof of death should be established by producing—

A copy of the public record of the State or community in which death occurred, certified to by the custodian of such records, or by a duly certified copy of a coroner's report of death, or a verdict of a coroner's jury of the State or community where death occurred, provided such report properly identifies the deceased. Where death occurs in a hospital or institution under the control of the United

States Government, by a death certificate signed by the medical officer in charge, or the evidence required above. Where death occurs while deceased was on the retired list, in an inactive duty status, or in the active service in the United States Army, Navy, Marine Corps, or Coast Guard, by an official report of death from the War, Navy, or Treasury Department or the evidence required in paragraph 1. Where death occurs abroad, in a foreign country, by a United States consular report of death, bearing the official signature and seal of the United States consul, or certified copy of the public record of death authenticated by the United States consul or other agency of the State Department. If this evidence is not obtainable, the reason must be stated. The fact of death may be established by the affidavit of a person having personal knowledge thereof and who viewed the body of the deceased and knew it to be the body of the person whose identity is being established, setting forth all the facts and circumstances concerning the death, including the place, date, time, and cause thereof.

Where proof of death as defined above cannot be furnished, the Administrator of Veterans' Affairs may make a finding of fact of death where death is otherwise shown by competent evidence. The best evidence which from the nature of the case must be supposed to exist must be furnished in these cases.

Where satisfactory evidence is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of 7 years during which period no evidence of his existence has been received, the death of such individual as of the date of the expiration of such period may be accepted as sufficiently proven.

#### AFFIDAVITS

To be of value an affidavit should clearly and concisely set forth the facts sought to be proved. The use of legal headings and phraseology should be avoided unless prepared by an attorney. If the affiant is a layman, have him set forth the facts as simply as possible, in chronological order, and with due regard to any necessary details. All affidavits from physicians should state whether the evidence is furnished from office records or from memory. Such affidavits should specifically show the symptoms and findings rather than merely a diagnosis, since the former are facts and the diagnosis is an opinion.

#### FOREIGN AFFIDAVITS

Affidavits or other documents from foreign countries in which the United States has consular representatives must be executed before a United States consular officer in that country or by or before an official of that country having authority for that purpose. In the event the execution is by or before a foreign officer, the signature of that official must be authenticated either by the United States consular officer in that jurisdiction or by the Department of State, except that documents submitted through and approved by the Deputy Minister of Pensions and National Health, Ottawa, Canada, will be accepted without being authenticated in such manner.

Where there is no consular representative, the signature and seal of the official of the country may be authenticated by a diplomatic or consular officer of a friendly country, or the document may be forwarded to the nearest American consul for a certificate concerning its authenticity.

## AFFIDAVIT EVIDENCE TO PROVE SERVICE CONNECTIONS

(By Millard W. Rice, National Service Director, D. A. V.)

(From the Disabled American Veterans' Semi-Monthly of May 15, 1941)

Adequate affidavit evidence to establish the service connection of a disability is still, I find, the most perplexing problem for the average veteran claimant of the Veterans' Administration.

There are still thousands of World War I veterans, in my opinion, who have not yet technically established their entitlement to benefits from the Veterans' Administration to which they may be equitably entitled on the basis of service-connectable disabilities. Being equitably entitled to a benefit, however, is not at all the same as being legally and technically entitled thereto.

The Veterans' Administration officials and employees must administer the law in accordance with its provisions, as interpreted through regulations, instructions, legal opinions, and service letters issued by the Veterans' Administration, and as applied according to precedents established in claims involving similar facts. Such discretionary power, as rating agencies of the Veterans' Administration may be permitted to exercise, is limited by the various restrictions established by reason of such precedents, service letters, regulations, and legal provisions.

## KIND OF CLAIM

A Veterans' Administration claimant should first analyze the type of claim which he or she has made before deciding upon the type of evidence to be submitted as proof of entitlement to such applied-for benefit. As to certain types of claims, it is necessary only to prove certain simple facts, as specified in the forms provided by the Veterans' Administration for such purpose.

Where the best evidence is not obtainable, the claimant should try to secure the "next best" evidence. Thus, for example, if it should prove impossible to secure a certified copy of a needed birth certificate, because the particular county or State did not at the time of such birth keep any vital-statistics records, then it might be possible to secure a photostatic or certified copy of an entry in a family Bible as to such birth, or an affidavit from the doctor or midwife who delivered the child, or, if such better evidence be not obtainable, affidavits from neighbors who knew about the fact that such a person was born at about a certain date and lived under a certain name for such a period of time or, if that be not obtainable, proof as to the age set forth by parents during a decennial census, or by the claimant in his application for enlistment into service, or such other "next best" evidence as might be obtainable under the circumstances.

It has been my observation, however, that there are more veterans who have not definitely proven to the satisfaction of the Veterans' Administration, that certain disabilities were caused by or aggravated by their military service, than as to any other type of denied claim.

If a veteran's honorable discharge certificate, or his official medical record while in military or naval service, fails to show the service incurrence or aggravation of his disabilities, the average veteran claimant is very much puzzled as to how actually to prove the service connection of each of his ailments which he conscientiously believes to have been caused by or aggravated by his military service. From whom shall he secure factual proof thereof? How shall he secure the necessary substantiating evidence? What must such proof of service connection consist of?

## PRESUMPTIVE SERVICE CONNECTIONS

Under the provisions of section 200 of the old World War Veterans' Act, as reinstated, after the infamous Economy Act, by Public Laws 78, 141, and 196, it was, and still is, possible to establish a presumptive service connection as to active tuberculosis, amoebic dysentery, neuropsychiatric (nervous and mental), encephalitis lethargica (sleeping sickness), and spinal meningitis, upon proof that any such ailment had existed in a disabling degree of at least 10 percent prior to January 1, 1925, if other evidence did not clearly rebut such presumption of service origin. It is very seldom possible, however, now more than 16 years after the expiration of such presumptive period, to establish a presumptive service connection under such law.

It is still possible to secure service connection for certain named chronic constitutional diseases upon proof that such a disease existed in a disabling degree of at least 10 percent, so medically diagnosed, within 1 year after date of discharge from World War I service—the so-called administrative presumption of service

connection. The schedule of disability ratings lists the following as chronic constitutional diseases:

"Acidosis, anemia, primary (all types); arteriosclerosis; beri-beri; diabetes insipidus; diabetes mellitus; gout; hemochromatosis; hemoglobinuria (paroxysmal); hemophilia; Hodgkins disease; leukemia (all types); obesity; ochronosis; pellagra; polycythemia (erythremia), purpura; rickets, scurvy, endocrinopathies; arthritis, deformans; arthritis, chronic, carcinoma, sarcoma, and other tumors; cardiovascularrenal diseases, including hypertension, cholecystitis, chronic, proceeding to gallstone formation, endocarditis, chronic; leprosy; myocarditis, chronic; nephritis, chronic forms; nephrolithiasis; valvulitis, chronic."

Most service connections now established, more than 22 years after date of discharge from World War I service, are either on the basis of official record or on the basis of affidavit evidence establishing direct service connection of any such disability.

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Direct service connections can, and still are being established on the basis of fact-giving affidavit evidence.

A claimant of the Veterans' Administration should, in submitting a claim, be sure to state his claim in full, lest his failure to mention some particular disability in his claim afterward be used against him as indicating that he himself did not have any such ailment at the time of submitting such claim, and consequently thereby in effect admitting that he did not then have any such disability.

It has been my experience and observation, during more than the last 20 years of handling claims and legislation pertaining to disabled veterans and their dependents, that it is advisable for the claimant himself to prepare a personal affidavit. Such a personal affidavit by the claimant should set forth all of the facts in the history of his claim, should specifically state just what he believes himself entitled to, together with the reasons therefor in detail, and should tell just why he believes the evidence submitted by him should be regarded as sufficient for the purpose intended. The claimant's own affidavit should very carefully set forth all of the incidents of his military or naval service, including hardships, exposure, long hikes with heavy packs, unusual exhaustion or sleeplessness caused by heavy shell fire or what not over a considerable period of time, concussions or explosions of nearby shells, lack of proper food, etc., as well as a description of any suffering or discomfort which he may have experienced by reason of an injury or ailment, just how it affected him, what he did about it, if anything, and why, if such be the case, he is unable to secure any verifying affidavits from his buddies as to the inception of any such ailment. Then he should proceed to state in detail just what he felt like when he was discharged, and if—as is usually the case—his discharge certificate states, "Physical condition Good," he ought to explain why his ailment was not noted by the medical examiner when he was discharged. He ought to recall just what his condition was immediately after his discharge from service and what he did about it, if anything, and if not, why not. Then he ought to tell the story of the development of each of his ailments from the time of his discharge up until the time such ailment was medically diagnosed by the Veterans' Administration, indicating its nature and severity, and its handicap to him in securing and retaining and efficiently performing the various jobs which he may have had since the date of his discharge.

By going through the process of preparing such a detailed personal affidavit, a claimant will recall many instances, which he would otherwise not remember, where one or more other persons had the opportunity of observing certain facts indicating that he was suffering with certain ailments, thus possibly enabling him to make contact with such person or persons to secure detailed affidavits concerning such facts.

Inasmuch as the claimant generally knows more about his own ailments than does any other person, he should be able in his own affidavit to relate the facts in the detailed history of the development, chronologically arranged as to approximate dates. Preparation of the claimant's own personal affidavit will generally place him in much better position to revive the memories of his friends concerning detailed symptoms and incidents which they may have overlooked or almost forgotten about, and therefore make it more feasible to secure more factual convincing affidavit evidence from such friends.

The claimant should always remember that his own claim is much more important to him than to any other person. He should therefore be willing to go to much more trouble in his own behalf than he has the right to expect from any friend or acquaintance.

It is permissible for a claimant to remind his former associates, employers, or fellow employes concerning certain incidents which occurred many years ago, the recital of which in an affidavit might be helpful to the claimant in proving the service connection of a particular ailment, and in proving the relative severity and handicap of such ailment over the period of time involved.

Each affidavit should state in detail all of the pertinent facts known by the person who signs it, that is, the affiant. Complaints heard and symptoms observed by the affiant should be specifically stated and described in detail. The circumstances under which such symptoms were observed should be carefully outlined. The approximate dates of each particular occurrence or observation should be recorded.

The first few occasions when complaints were heard and symptoms noticed should be stated in much greater detail than observations made at later dates, but all of them should be "tied together," so far as circumstances of the affiant may permit.

The expression of an opinion by the affiant is of absolutely no value to the claimant unless it is backed up by specifically stated factual observations used as the basis for arriving at such stated conclusion. It is important to differentiate between personal observation and hearsay. The recital of detailed facts, sometimes considered to be too small to be important, may be particularly valuable in establishing a link in the chain of evidence to prove the incurrence of a disability during military service, its existence at time of discharge or shortly thereafter, and the continuity of its development from that time up to the time that it was definitely diagnosed by the Veterans' Administration.

Where a claimant has previously handled his claim through some veteran organization or the American Red Cross, and subsequently decides to reopen the claim, it would be well again to contact such service organization to find out if its files contain any evidence which should be filed with the Veterans' Administration, or any copies of affidavits previously submitted, so as to be able to compare same with newly prepared affidavits. Some of the affidants of the affidavits previously considered may be able to prepare new affidavits furnishing more specific, detailed, factual evidence than previously submitted.

#### FORM OF

It is not necessary, nor even advisable, that a claimant should have his affidavits prepared in legal language. It is more important that the affidavit should state all of the pertinent facts in plain, understandable language. Ordinarily the claimant himself, possibly with some advice from a competent service officer of the D. A. V., or some other veteran organization, can do a better job of preparing convincing affidavit evidence concerning a claim before the Veterans' Administration than can be done for him by an attorney.

Although attorneys generally prepare affidavits in the third person, I consider it better for a claimant, and for those from whom he secures substantiating affidavit evidence, to have each affidavit prepared in the first person. The affiant can tell the story more naturally in the first person than in the third person.

The use of forms furnished by the Veterans' Administration is not, in my opinion, generally advisable, except perhaps in the most simple type of affidavits where only one or two facts can be stated by the affiant.

A person who uses a prepared form is too likely to rely on the suggestions made by the form and consequently does not spend enough time in thinking out the facts which ought to be stated, but merely responds to the suggestions of the form itself. Such prepared forms are nearly always too crowded for space and consequently tend to cause the affiant to tell less than he might have told if he had prepared the statement in his own language without reference to any form.

A good fact-giving affidavit cannot be prepared in 5 or 10 minutes; it requires considerable "thinking back" into old, almost forgotten history. Memories fade with the lapse of time. Frequently the affiant needs to be reminded by the claimant, either by letter or in person, as to certain incidents which might have occurred and which, although more or less inconsequential, so far as the affiant is concerned, might prove to be important in establishing the claimant's contention.

Rather than using prepared forms, it is suggested that the claimant use ordinary white paper. Affidavits should preferably be typewritten, so as to be more easily readable by members of the Claims and Rating Board and therefore more impressive, and so that the claimant may be able to keep copies for future use and reference. It is generally advisable to have the copies notarized, as well as the original.

If the average claimant is at a loss as to how to start with the preparation of an affidavit, the following blank affidavit at least conveys the general idea:

I, John Doe, being first duly sworn, do depose and say that I have known the claimant, George E. Smith, C 1 234 567, during the last — years, that prior to his World War I service I know that he was working as a — for — years, and, by personal observation, know that during all of that time he enjoyed good health; that during his military service I met him at — on or about — at which time he complained to be about —; I then observed that —, thereafter I met him about — times of each month until and on nearly every one of each of these occasions I heard him complain of — and I noticed —; that on or about —, after his discharge, I met him, at which time he again complained to me of — and I then noticed —; that on or about — I met him again and during our visit I noticed that —; that from on or about — to about — I met him on the average of — times each month (or each year) and on practically all and each of these occasions I observed —; also, on practically all and each of these occasions I heard him complain of —; that because of these several observations on my part, I am convinced that his ailment of — was really caused by his military service and that he ought, therefore, to be granted compensation because of such handicapping disability; that etc., etc.

#### FROM WHOM

If service connection is the end in view, the veteran should obtain at least two affidavits, if possible, from buddies who were in service with him, at least two affidavits from persons who knew him shortly after the date of his discharge, and from other persons who have observed his condition, from time to time, since shortly after his discharge.

It may be possible, in some cases, for a claimant to establish the direct service connection of his disability by securing two good affidavits from buddies who served with him, who were discharged with him, and who have lived in the same community with him since that time. In other cases, however, it may be necessary to secure many more substantiating affidavits, because of the fact that the claimant shifted around from place to place, and therefore finds it necessary to piece together the evidence obtainable from many different persons who knew him at different periods of time. The important thing is to establish, if at all possible, that the disabilities existed in military service, that they existed within the first few days, or first weeks, or first few months after date of the veteran's discharge, and that they have been developing with possibly some ups and downs, toward greater severity up until the time of diagnosis by the Veterans' Administration.

The claimant should obtain affidavits from each of his post-war employers and from one or more fellow employees, from his wife, his mother, or other close relatives, and from other persons with whom he may have been closely associated, each of whom may have observed some pertinent facts concerning the nature, severity, and development of his various ailments.

Affidavits should, of course, be obtained from each doctor by whom he may have been examined since he returned from service or, if such medical evidence be not obtainable, from any druggist who may have furnished certain medicines.

All such affidavits should be prepared with the same careful detail as indicated above.

#### A DOCTOR'S AFFIDAVIT

A doctor's statement should be notarized as assurance of the fact that he is a doctor and that he did sign it, and in order to avoid any suspicion that the statement may have been signed by someone else.

The doctor's statement should include a recital of all of the symptoms, facts, and circumstances and history of the ailments complained of to him by the patient; should include all of the doctor's findings, diagnoses, and dates or approximate dates of different examinations, together with other detailed facts indicating the severity of each ailment subsequent to the date of first examination, the type of treatment recommended or provided for, the recommendations made by the doctor to the patient, the doctor's opinion as to the degree of severity of each of the ailments diagnosed by him, his opinion as to their origin and duration, and his opinion as to the effect of each ailment upon the patient's ability to work at his occupation or any other occupation from time to time.

If the doctor does not have a record of his examinations, then his statement should include an explanation of how it happens that he remembers the facts

stated in his affidavit, possibly by connecting up approximate dates of examinations, by other factors or circumstances mentioned in his affidavit.

The Veterans' Administration frequently sends out an investigator to confer with a doctor who has submitted an affidavit on behalf of the veteran and if the doctor fails to verify what he set forth in the statement which he prepared in behalf of the veteran claimant, the rating agency will very likely completely discount the value of the doctor's statement.

Doctors are prone to submit carelessly prepared affidavits. They should be encouraged to prepare their affidavits carefully, lest a carelessly prepared affidavit jeopardize the claimant's chance to prove the service connection of his disability.

When the claimant asks a doctor to submit a statement or affidavit in his behalf, he ought to explain to him just what he wants and why, and he ought also to explain that the Veterans' Administration cannot take anything for granted and will not even accept the validity of his diagnosis unless the doctor states symptoms and findings in detail on the basis of which he arrived at his diagnoses.

The claimant should remember that the Veterans' Administration can evaluate the affidavits only on the basis of what is specifically stated in each of them, as compared with what is stated in all of the rest of them. The affidavits must be consistent with each other. Contradictory statements in two or more of the affidavits are definitely harmful.

Rating agencies can give no value to opinions, impressions, and conclusions unless they are based upon sufficient facts specifically stated. The value of any given evidence must be determined upon the basis of what it may be considered as proving to the average reasonable man. The claimant should never adopt the attitude that the Veterans' Administration already knows a fact to be true. Each alleged fact must be proven by official record or by evidence which is both material and relevant. A clear word picture should be established in simple, direct language on the basis of actual observations of the affiants.

The claimant's story and his substantiating evidence must sound logical and reasonable and must be such as to be readily regarded as truthful.

If all of the evidence points to the truth of the claimant's contention and if most of the essential facts have been proven, then the Claims and Rating Board members are authorized to give the claimant the benefit of any reasonable doubt which may still exist. The benefit of the doubt cannot be granted if the evidence is only such as points to the possibility of the claimant's contention being true, where the preponderance of the evidence fails to establish the probability of the truth of the facts alleged by the claimant.

It is generally advisable for a claimant to have his affidavit evidence looked over by some service officer of the D. A. V., or of some other veteran organization, before it is finally submitted to the Veterans' Administration. Evidence should not purposely be submitted on a piece-by-piece basis. No pertinent evidence should be held back for later submission. One or more denials of the veteran's claim make it more difficult, than originally, to secure favorable action subsequently on the basis of new evidence. All obtainable pertinent evidence should be submitted at the same time, if at all feasible.

If these suggestions are carefully followed, many more claimants can be enabled to establish the service connection and compensability of their service-connectible disabilities, with direct benefits to themselves, as well as the assurance of pension protection to their wives and children.

If a claimant has been unable to secure a response to a request for a needed substantiating affidavit from someone in another community, he should feel free to request the cooperation of the national or chapter service officer, or other officer, of the D. A. V., the V. F. W., the American Legion, the American Red Cross, or of any other veteran, patriotic, civic, service, or community chest organization— all of whom are ordinarily glad to cooperate in helping deserving disabled veterans to secure equitable adjudications as to their claims.

### POLITICS NOT A FACTOR

Any veteran may receive advice, counsel, and assistance in regard to his case by a representative who is paid by the Government at every hospital and every regional office. The representative will help the veteran by suggesting the kind of evidence that will be necessary to assist him in his case, assist him in preparing all the necessary forms, and do such other things as may be necessary to the proper presentation of his case to the Veterans' Administration.

Many veterans ask the question: "I have submitted all the proof I can and have been turned down; what shall I do now?" Of course, every question involving expenditure of public funds must be determined by some person, court, board, or tribunal. Someone must have the responsibility of passing upon the sufficiency of the evidence presented to authorize the payment of public funds. It is the same way in regard to civil rights. If one brings suit against a person, firm, or corporation for damages to person or property, certain proof must be presented to the court and the jury in order to win. Although the injured person feels that he has presented sufficient proof, if the court or jury decides against him he can appeal his case, and if the higher courts affirm the judgment there is nothing further for him to do; he has lost. In a similar way, a veteran may appeal for review of his claim if he can show error in the decision, but once the Board of Veterans' Appeals has rendered its decision he cannot again have the case reviewed unless he files a new claim supported by new and material evidence.

Pensions and benefits are made in accordance with actual laws and regulations and not through favoritism, "political pull," or other means.

#### COMBINED RATINGS

If a veteran has more than one compensable disability, the ratings for his service-connected disabilities are not added together, but are combined by a method which will prevent the total combined rating from exceeding 100 percent.

Combined ratings can be figured out by the following formula. Subtract the highest rating, for the major disability, from 100 percent, then multiply the rating for the next lower disability by the sum remaining after the first subtraction, and then add such product to the major rating to arrive at the combined rating for two disabilities. If there be three rated service-connected disabilities, then, after the combined rating for the two larger ratings has been arrived at, subtract such combined rating from 100 percent and multiply the rating for the third disability times the remainder and add the resulting product to the combined rating of the first two disabilities to arrive at the combined rating for three disabilities.

Thus if a veteran has a 60-percent disability, a 40-percent disability, and a 20-percent disability, the following figuring would be done to arrive at the combined rating of 81 percent:

$$\begin{aligned} 100 - 60 &= 40 \\ 40 \times .40 &= 16 \\ 60 + 16 &= 76 \end{aligned}$$

$$\begin{aligned} 100 - 76 &= 24 \\ 24 \times 20 &= 48 \\ 76 + 5 &= 81 \end{aligned}$$

#### SCHEDULES OF DISABILITY RATINGS, 1925-33

The degrees of disabilities of veterans are determined by the provisions of the Schedules of Disability Ratings issued by the Veterans' Administration in 1925 and again in 1933.

The 1925 schedule was formulated by evaluating the handicap of each disability as to each type of pre-war occupation. Some 500 occupations are listed in the schedule. Occupational ratings are divided into 9 variants, ranging from 1 to 9. Variant No. 1 indicates a very slight occupational handicap, variant 5 would indicate an average handicap, whereas variant 9 would indicate the greatest



possible occupational handicap by reason of a particular disability in a particular occupation.

Thus, for example, if a clergyman had an amputated right arm lower one-third (assuming that he had previously been right-handed), he would be given an occupational variant of 1, and a rating of 50 percent. A real-estate appraiser would be given a variant of 2 and a rating of 56 percent, an auditor a variant of 3 and a rating of 60 percent, but, if he were a traveling auditor, a variant of 4 and a rating of 66 percent. If he had been a bottle washer, he would be entitled to a variant of 5 and a rating of 70 percent; if a clam-digger, a variant of 6 and a rating of 74 percent; if an athletic coach, a variant of 7 and a rating of 79 percent; if a dentist, a variant of 8 and a rating of 82 percent, whereas, if he had been a policeman he would be given a variant of 9 and a rating of 85 percent, for precisely the same disability.

The 1933 Schedule of Disability Ratings was formulated on the basis of the average handicap to the average individual by reason of certain disabilities—equivalent to about variant 5 of the 1925 schedule, with many modifications. The 1933 Schedule of Disability Ratings provides for only 10 different ratings in 10-point jumps ranging from 10 to 100 percent and is more liberal, generally speaking, as to gunshot wounds than the 1925 schedule, but less liberal as to many other ailments.

The disability ratings of World War I veterans entitled to receive compensation on the basis of service-connected disabilities are automatically evaluated under both schedules and rated according to the schedule that will provide the greater award of compensation.

#### **BASIS FOR ADJUDICATION OF CLAIMS**

The laws, legal precedents, regulations and procedure, and instructions constitute the basis for adjudicating claims.

Following the enactment of legislation, the Veterans' Administration promulgates instructions required to place the law in effect. In some instances such instructions are supplemented later and finally many of them become part of the present regulations and procedure of the Veterans' Administration. In many instances separate instructions are not indicated and the law is placed in effect by immediate amendments to the printed regulations and procedure. In addition to the foregoing, questions arising under the laws give rise to opinions of the Solicitor, many of which are precedent forming and when approved by the Administrator become Administrator's decisions which are printed for general distribution. In connection with insurance, there are court decisions which govern application of the laws to individual groups of cases. In addition, there are many instances where authority exists to handle matters in more than one way and in such instances it is necessary for the Administrator to adopt one way which is then applied uniformly, and which becomes the policy. The general practice is to adopt that way which is most favorable to the veteran and his dependent.

#### **PROCEDURE FOR ADJUDICATION OF CLAIMS OF SERVICE MEMBERS DISCHARGED ON CERTIFICATE OF DISABILITY**

Under the Servicemen's Readjustment Act of 1944, the Administrator of Veterans' Affairs is authorized to place officials and employees designated by him in such Army and Navy installations as may be

deemed advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Army and Navy who are about to be discharged or released from active service. (Sec. 103, Public Law 346, 78th Cong., approved June 22, 1944.)

The act further provides that no person shall be discharged or released from active service on account of disability until and unless he has executed a claim for compensation, pension, or hospitalization, to be filed with the Veterans' Administration or has signed a statement that he has had explained to him the right to file such claim. Refusal or failure to file a claim will be without prejudice to any right the veteran may subsequently assert and will not preclude discharge of the veteran or his immediate transfer to a Veterans' Administration facility for necessary hospital care. (Sec. 104, Public Law 346, 78th Cong., approved June 22, 1944.)

When the discharge of a member of the armed forces on certificate of disability is about to be effected, if the service member is in need of institutional care and it is indicated that he is entitled to care and treatment by the Veterans' Administration, he will be transferred to the nearest Veterans' Administration facility for further care and discharged from service at such facility.

When the discharge of the service member is to be effected on a certificate of disability because of insanity the nearest known relative or person designated to be notified in case of emergency is advised by the service department concerned of the contemplated action. At the request of relatives, the service member will be transferred to their custody and discharged from service if he is not actively suicidal or homicidal, provided satisfactory evidence is furnished that they are willing and have the necessary financial means to provide adequate care and treatment. Service members in need of institutional care who are actively suicidal or homicidal and who are not entitled to care and treatment by the Veterans' Administration are placed in the custody of the nearest known relatives and discharged from service or transferred to the civil authorities legally required to assume care of such cases and discharged from service. Those who do not require institutional care and are not entitled to care and treatment by the Veterans' Administration are discharged from service.

It is to the advantage of every enlisted man about to be discharged from service for disability and the desire of the service department concerned as well as the Veterans' Administration that an application for pension be filed prior to his discharge. Each enlisted man who is to be discharged for disability is carefully advised of his right to file an application for disability pension (Veterans' Administration Form 526) and counseled as to the advisability of doing so before discharge while the necessary clinical and other records are more readily available for transmission to the Veterans' Administration. With a view to expediting the initial adjudication of claims for disability pension filed by enlisted men who are discharged for disability and who make application for this benefit the Veterans' Administration has established branch offices in each of the nine Army service commands, located as follows:

- (1) Veterans' Administration Area Office No. 1, 17 Court Street, Boston 8, Mass.
- (2) Veterans' Administration Area Office No. 2, 120 Wall Street, New York 5, N. Y.
- (3) Veterans' Administration Area Office No. 3, 10 North Calvert Street, Baltimore 2, Md.

- (4) Veterans' Administration Area Office No. 4, 20 Houston Street NE., Atlanta 3, Ga.
- (5) Veterans' Administration Area Office No. 5, 8 East Chestnut Street, Columbus 15, Ohio.
- (6) Veterans' Administration Area Office No. 6, United States Custom House, Chicago 7, Ill.
- (7) Veterans' Administration Area Office No. 7, Old Custom House, St. Louis 1, Mo.
- (8) Veterans' Administration Area Office No. 8, 1000 Main Street, Dallas 2, Tex.
- (9) Veterans' Administration Area Office No. 9, 140 Montgomery Street, San Francisco 4, Calif.

The area office located within the territorial limits of a particular service command will adjudicate initially all claims for disability pension filed by World War II veterans who are discharged for disability from hospitals located within such limits and who make application at the time of discharge. The service department concerned will promptly forward all essential service and medical records to the Veterans' Administration area office in order to facilitate the expeditious adjudication of the claim. The area office will inform the veteran by letter of the award or disallowance of his application and the first payment of any pension allowed will be mailed to him by the disbursing officer for that area. Thereafter, the records will be transferred to the Veterans' Administration facility having jurisdiction of the veteran's home address.

#### VETERANS' ADMINISTRATION FORMS

The following is a list of some of the more frequently used Veterans' Administration forms, the execution of which is essential to the proper adjudication of a particular claim. All service officers should familiarize themselves with these forms and have a supply on hand for use by the service member in connection with any application or claim he may desire to file for benefits under laws administered by the Veterans' Administration:

##### *Form*

- P-9. Claimant's appeal to Administrator.
- P-10. Application for hospital treatment or domiciliary care.
- P-22. Appointment of service organization as claimant's representative.
- 336. Change of beneficiary—National service life insurance.
- 351. Application for reinstatement of national service life insurance within 3 months after lapse.
- 352. Application for reinstatement of national service life insurance lapsed more than 3 months.
- 353. Reinstatement national service life insurance before August 31, 1944.
- 355. Claim for national service life insurance.
- 355a. Claim for national service life insurance (automatic).
- 357. Claim for waiver of premiums under National Service Life Insurance Act.
- 358. Application for change of national service life insurance from 5-year level premium term policy to converted insurance.
- 358a. Application for change in plan of converted national service life insurance.
- 526. Application for pension.
- 526b. Application for pension—not service connected.
- 534. Application for pension or compensation by widow or child.
- 535. Application for pension by father or mother.
- 572. Claimant's request for change of address.
- 579. Application for P. and T. benefits (insurance).
- 601. Application of person who bore expenses of sickness and burial for reimbursement from accrued amounts due.
- 614. Application of widow or guardian of children for accrued benefits due deceased beneficiary.
- 724. Change of beneficiary, United States Government life insurance.

- 739. Application for United States Government life insurance—civilian applicants.
- 739b. Application for renewal of insurance on 5-year plan.
- 744. Reinstatement of converted insurance within 3 months.
- 759. Application for reduction in amount of United States Government life insurance.
- 804. Policy loan agreement—United States Government life insurance.
- 807. Reinstatement United States Government life insurance—lapsed more than 3 months.
- 866. Application for total disability insurance.
- 1099. Signature card (standard Government form).
- 1900. Application for vocational rehabilitation.

#### TOTAL AND TOTAL PERMANENT DISABILITY RATINGS BASED UPON UNEMPLOYABILITY

The bases upon which total and permanent and total disability ratings can be made are so important to so many veterans who consider themselves entitled thereto as to warrant a discussion of this matter, as follows:

UNDER THE WORLD WAR VETERANS ACT, 1924, AS AMENDED, AND THE SCHEDULE OF DISABILITY RATINGS, 1925, AS REINSTATED BY SECTION 28, PUBLIC LAW 141, SEVENTY-THIRD CONGRESS

Disability from an injury or disease will be rated as permanent total under the following conditions:

*Statutory.*—When a statutory permanent total disability is authorized by reason of "Loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden" (The organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, because of organic changes in the organs involved.)

*When shown by evidence.*—When from the evidence submitted it is determined that there is present any impairment of mind or body which continuously renders it impossible for the average man to follow any occupation similar to that of the disabled veteran at the time of enlistment and which is founded upon conditions which render it reasonably certain that it will continue throughout the lifetime of the person suffering from it. The impairment in earning capacity in each individual case will not be considered so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of an injury. In arriving at a decision the average impairment in ability to secure employment which results from the service-connected injuries will be considered.

A permanent total disability may be conceded in a proper case where there are present two or more disabilities, affecting entirely different functions, one of which is 65 percent disabling and which combine by present methods to 85 percent. These evaluations upon which permanent total disability may be conceded are not intended to be rigid unalterable standards. They are cited as illustrative and to be used as guides.

Permanent total ratings based on single disabilities for which the Schedule of Disability Ratings, 1925, provides specific, lesser ratings, are prohibited. The fact that for most diseases the 1925 schedule

permitted a flexible range of ratings extending to total will not be interpreted as authorizing the making or continuance of total disability ratings in the absence of actual total disability. The provisions of regulations and schedules under the World War Veterans' Act, 1924, as amended, permitting ratings of temporary total disability on account of hospitalization or home treatment, are not effective in ratings under Public Law 141, Seventy-third Congress.

**UNDER PUBLIC LAW 2, SEVENTY-THIRD CONGRESS, AND THE 1933 SCHEDULE**

Total disability will be considered to exist when there is present any impairment of mind or body which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, except that permanent total disability shall be taken to exist when the impairment is reasonably certain to continue throughout the life of the disabled person.

The following will be considered to be permanent total disability: The permanent loss of the use of both hands, or of both feet, or of one hand and one foot, or of the sight of both eyes, or becoming permanently helpless or permanently bedridden.

Total disability ratings under Public Law 2, Seventy-third Congress, and the 1933 rating schedule may be assigned without regard to the specific provisions of the rating schedule when the disabled person is, in the judgment of the rating agency, unable to secure or follow a substantially gainful occupation as a result of his disabilities: *Provided*, That if there is only one disability, this disability shall be ratable at 60 percent or more, and that, if there are two or more disabilities, there shall be at least one disability ratable at 40 percent or more and sufficient additional disability to bring the combined rating to 70 percent or more. Total disability ratings, when the above conditions are met, may be granted for deafness, the organic loss of speech, for the amputation or loss of use of either hand or of either lower extremity above the knee when followed by unemployability, as single disabilities, or for other organic disabilities or combinations including organic disabilities. For the purpose of Veterans Regulation 1 (a), part III, only, the above specified 60, 40, and 70 percent percentage requirements may be reduced by 10 percent on the attainment of age 60; and by an additional 10 percent on the attainment of age 65; and there shall be no percentage requirements for total disability ratings in the cases of unemployable veterans who have attained the age of 70. The attainment of age 70 will not of itself warrant rating as permanently and totally disabled; in addition thereto disability sufficient to produce unemployability will be required. Nothing contained in this paragraph will prevent a total disability rating for such disabilities and combinations of disabilities, including loss of use of two extremities, or loss of sight of both eyes, or being helpless or bedridden, and other disabilities, as are assigned specific ratings of 100 percent for the severity in question, but if the disabled person is employable, compliance with the terms of the schedule for such ratings will be required. When total disability under this paragraph is under consideration the veteran will be required to submit a statement in affidavit form covering his employment, or unemployment, over a period of at least 1 year.

A disabled person meeting the regulatory or schedular requirements for 100-percent ratings is entitled to a total disability rating regardless

of employment. Similarly, cases which do not meet the regulatory or schedular requirements, but which, in the opinion of the rating agency represent total disability on the average basis, i. e., whose employment represents highly exceptional effort or ability to overcome the handicap of disability, may be reviewed in central office.

The unemployability of the individual may be established, with age, constitutional defects, limitation of occupational experience and ability, particularly limitation to manual labor, as important contributing factors. In such cases, it is important to ascertain the exact relationship between the particular manifestations of disability and resumption of work in the field of previous employment, or of other types of employment. As a requirement for total disability rating, it must be established to the satisfaction of the rating agency that the disabilities are the principal cause of the continued unemployability. A veteran may be considered as unemployable upon termination of employment which was provided for him on account of his disability, or in which special consideration was given on account of the same, when it is satisfactorily shown that he is unable to secure further employment.

Such inferiorities as mental deficiency, psychopathic inferiority, etc., do not of themselves indicate disability, either partial or total. When the medical-industrial history and other evidence point to mental deficiency or psychopathic personality as important factors it is essential to insure complete psychiatric examination and, if indicated, social service report. When neuropsychiatric disease, mental deterioration, failing memory and concentration (as with cerebral arteriosclerosis) are superimposed upon such conditions, the whole extent of social and industrial inadaptability, partial or total, in accordance with the rating schedule, will be ascribed to the disease factor. Similarly, when injury or disease, as fracture or arthritis, is superimposed upon a congenital physical defect, the whole subsequent limitation of occupational activity resulting from the defect and the superimposed disease or injury will be ascribed to the disease or traumatism. This practice will not be followed arbitrarily in cases in which the constitutional factor is major, and the superimposed disease minor, so as to produce a rating of total disability from service-connected causes not warranted by the facts.

In consideration of entitlement to a total disability rating, as prescribed above, Extension No 4--Schedule for Rating Disabilities, 1933, promulgated November 15, 1941, provides that for the purpose of one 60 percent disability, or one 40 percent disability, in combination, or the reduced numerical requirements according to age, the following will be considered as one disability:

- (1) Disabilities of one or both upper extremities, or one or both lower extremities, including the bilateral factor, if applicable;
- (2) Disabilities resulting from a single accident; or
- (3) Disabilities affecting a single body system, e. g., digestive, respiratory, cardiovascular-renal, neuropsychiatric.

In cases of disabilities which have undergone some recent improvement, a rating of total disability may be made under Public Law 2, Seventy-third Congress, without regard to the rating schedule, provided the disability in the past was of sufficient severity to warrant a total disability under the conditions prescribed above or it must have required extended, continuous, or intermittent hospitalization, or have

produced total industrial incapacity for at least 1 year, or be subject to recurring, severe, frequent, or prolonged exacerbations, and it must be the opinion of the rating agency that despite the recent improvement of the physical condition, the veteran will be unable to effect an adjustment into a substantially gainful occupation. Due consideration will be given to the frequency and duration of totally incapacitating exacerbations since incurrence of the original disease or injury, and to periods of hospitalization for treatment, in determining whether the average person could have reestablished himself in a substantially gainful occupation.

Permanence of total disability may be conceded when it is reasonably certain that the disability will remain unimproved throughout the life of the disabled person, and with actually totally incapacitating diseases and injuries of long standing when the probability of permanent improvement under treatment is remote.

The age of the disabled person (over 55) may be considered in determining permanence. Permanent total disability ratings may not be granted as a result of any incapacity resulting from acute infectious disease, accident, or injury, unless there is present one of the recognized combinations of permanent loss of use of extremities or sight, or the person is in the strict sense permanently helpless or bedridden, or when it is reasonably certain that a subsidence of the acute or temporary symptoms will be followed by irreducible totality of disability by way of residuals.

**UNDER THE GENERAL AND SERVICE PENSION LAWS, WAR RISK INSURANCE ACT, AS AMENDED, WORLD WAR VETERANS' ACT, AS AMENDED**

Total disability ratings made pursuant to the criteria established under the prior general and service pension laws, the War Risk Insurance Act, as amended, or the World War Veterans' Act, 1924, as amended, for pension, disability allowance, or disability compensation purposes, when warranted by the severity of the condition and not granted purely because of hospitalization or home treatment, and total ratings made pursuant to existing legislation will not be reduced in the absence of clear error, without physical examination showing material improvement in physical condition.

**FOR TUBERCULOSIS**

Total disability ratings of long standing for active tuberculosis will not be reduced pending attainment of definite arrest, or at least the subsistence of any marked symptoms under the ordinary conditions of life, i. e., while employed. The fact of attaining inactivity or arrest following prolonged total disability on account of active tuberculosis will not in itself be taken as establishing that the improvement can be maintained under the ordinary conditions of life.

**INCREASES AND REDUCTIONS IN RATINGS**

Once a rating has been assigned as to any service-connected disability it cannot thereafter be changed, except to correct previous error or on the basis of a subsequent medical examination showing that the disability has become worse or better, justifying a decrease or an increase in the rating.

Reexaminations are not scheduled as to static disabilities, and only infrequently as to relatively permanent disabilities, but a veteran who considers that his service-connected disability has become worse than when he was last examined for rating purposes may submit evidence to that effect in support of a request for reexamination for rating purposes.

Although medical evidence is not always necessary to prove that his disability has progressed, it is generally much more persuasive than lay evidence in convincing the Veterans' Administration as to the necessity for a reexamination for rating purposes.

#### **FAILURE TO REPORT FOR PHYSICAL EXAMINATION MAY RESULT IN SUSPENSION OF COMPENSATION OR PENSION**

Upon failure of a veteran, without adequate reason, to report for physical examination, requested for disability compensation or pension purposes, the award of compensation or pension in course of payment to him will be suspended as of date of last payment. The reason given for suspension will be "failure to report for examination." Any award of compensation or pension concurrently being paid to dependents will also be suspended.

Upon failure of a veteran to report for physical examination, requested as a result of a claim for increased disability compensation or pension, the claim for the increase will be considered as abandoned. No further action thereupon will be taken unless and until a new claim for increase is filed.

#### **EFFECTIVE DATE OF AWARDS**

The effective date of an original award of disability or death compensation or pension is generally the date of receipt of application therefor, except that death compensation or pension will be made effective from date of death if claim therefor is filed within 1 year from date of death and pension for disability will be payable from date of discharge, but not prior to July 13, 1943, if claim is filed within 1 year from date of discharge (Sec. 6, Public Law 304, 75th Cong., approved August 16, 1937; secs. 2, 4, Public Law 690, 77th Cong., approved July 30, 1942; secs. 16, 17, Public Law 144, 78th Cong., approved July 13, 1943.)

#### **APPEALS**

Claimants may appeal from a decision rendered in any claim (except in those claims involving simultaneously contested claims) within 1 year from the date of the mailing of the notice of the result of the initial review or determination. Appeals, or application for review, as they are known, must be filed with the office which made the denial. If no application for review or appeal is filed within 1 year, the action taken on the initial review or determination will become final and the claim will not thereafter be reopened except upon the basis of new and material evidence. When a veteran appeals he is allowed a reasonable time for the perfection of his appeal. Any application for review on appeal filed with the office which made the denial and which is post-marked prior to the expiration of the 1-year period will be accepted as having been filed within the time limit.



In simultaneously contested claims (e. g., where husband or wife contends that desertion has or has not occurred) where one is allowed and one rejected, the time allowed for filing application is 60 days instead of 1 year from the date of mailing notice. In such cases all parties other than the applicant, whose interest may be adversely affected by the decision will be notified and allowed 30 days from the date of the mailing of such notice within which to file a brief or argument in answer thereto.

Application for review on appeal must be made in writing by the claimant, his legal guardian, or such accredited representative or authorized agent as may be selected by him, but not more than one recognized organization or agent will be recognized at any one time in the prosecution of a claim. The application must clearly identify the benefits sought and should contain specific assignments of the alleged mistakes of facts or errors of law in the adjudication of the claim.

#### FINALITY OF DECISIONS

According to section 11 of Public Law 866, approved October 17, 1940:

Notwithstanding any other provisions of law, except as provided in section 19 of the World War Veterans' Act, 1924, as amended, and in section 817 (617) of the National Service Life Insurance Act of 1940, the decisions of the Administrator of Veterans' Affairs on any question of law or fact concerning a claim for benefits, or payments under this or any other Act administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decisions

#### PAYEE RESIDING IN FOREIGN COUNTRIES

Under the act of October 9, 1940 (Public Law 828, 76th Cong.), as amended checks drawn against funds of the United States in favor of payees residing in foreign countries may not be delivered where the Secretary of the Treasury determines that postal, transportation, or banking facilities in general or local conditions in the country to which the check is to be delivered are such that there is not reasonable assurance that the payee will actually receive the check and be able to negotiate the same for full value. This restriction is also applicable to any check drawn against funds of the United States for benefits under laws administered by the Veterans' Administration for delivery in the United States to a guardian or legal custodian of any person in a foreign country. However, the Administrator of Veterans' Affairs is authorized to except from this provision any case where its application would result in reduction, discontinuance, or denial of benefits which otherwise might be used for the care of a dependent of such person.

These checks are held for 3 months, during which period they may be released if the Secretary of the Treasury determines that conditions have so changed as to provide reasonable assurance that the payee will actually receive the check and be able to negotiate it for full value. At the end of such 3-month period, the checks are deposited in a special deposit account with the Treasurer of the United States, and with respect to checks representing payments under laws administered by the Veterans' Administration, when the amount so deposited in a particular case equals \$1,000, the amounts of any further checks except

checks under contracts of insurance, are covered into the Treasury as miscellaneous receipts.

Payment of the amount deposited in the special deposit account to a claimant will be made only after the claimant shall have established his right thereto to the satisfaction of the Administrator of Veterans' Affairs and the Secretary of the Treasury has determined that there is reasonable assurance that the claimant will actually receive such check in payment of his claim and be able to negotiate it for full value.

In case of death of the payee of any check in payment of pension, compensation, or emergency officers' retirement pay accruing under laws administered by the Veterans' Administration while the amount remains in the special deposit account, such amount, subject to the other conditions aforementioned will be payable as follows.

(a) Upon death of the veteran, first to the widow; if there is no widow, to his child or children under the age of 18 years at his death.

(b) Upon death of the widow, to her children under the age of 18 years at her death.

(c) Upon the death, prior to disbursement of all or any part of the apportioned amount, of an apportionee of a part of the veterans' pension, compensation, or emergency officers' retirement pay, such apportioned amount not disbursed shall be payable to the veteran.

(d) In all other cases no disbursement whatsoever of such pension, compensation, or emergency officers' retirement pay may be made or allowed except so much as may be necessary to reimburse the person who bore the expense of burial.

No disbursement under the foregoing provisions may be made unless claim therefor be filed in the Veterans' Administration within 1 year from date of death of the person entitled and perfected by the submission of the necessary evidence within 6 months from date of the request of the Veterans' Administration therefor. Such benefits include only amounts due and unpaid at the time of death under then-existing ratings or decisions.

#### FORFEITURE OF BENEFITS

Federal statutes provide for forfeiture of all accrued or further benefits under laws administered by the Veterans' Administration pertaining to gratuities for veterans and their dependents by any person, shown by evidence satisfactory to the Administrator of Veterans' Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to any enemy of the United States or its allies, but permit apportionment and payment of any part of such benefits to the dependents of such person, not exceeding the amount to which each dependent would be entitled if such person were dead. (Sec. 4, Public Law 144, 78th Cong., approved July 13, 1943.)

#### TERMINATION OF AWARDS TO BENEFICIARIES IN ENEMY TERRITORY

The Administrator is authorized to terminate the award of compensation, pension, or other gratuity, under laws administered by the Veterans' Administration in favor of any person located in the territory of, or under military control of any enemy of the United States, or any of its allies, and such person will not be entitled to any such benefits except upon the filing of a new claim accompanied by evidence satis-

factory to the Administrator of Veterans' Affairs, showing that the claimant was not guilty of any of the offenses enumerated under the preceding paragraph, and then only prospectively, as such benefits will not be paid for any period prior to date of such new claim. The Administrator may apportion and pay any part of the benefits to which such person would otherwise be entitled, to the dependents of such person, who are in the United States or in a place not occupied or controlled by the enemy, not exceeding the amount to which each dependent would be entitled, if such person were dead. (Sec. 5, Public Law 144, 78th Cong., approved July 13, 1943.)

#### RIGHT TO RENOUNCE

Any person entitled to pension or compensation, upon written application over his signature, may renounce his rights thereto, and from date of receipt of such application payment of such benefits and the right thereto are terminated. This renouncement however, does not preclude the person from filing a new application for pension or compensation at a future date but no payment may be made for any period prior to the date thereof. (Par. XXI, Veterans Regulation No. 10-Series, as amended by sec. 3, Public Law 144, 78th Cong., approved July 13, 1943.)

#### GUARDIANSHIP

Where monetary benefits are payable to a Veterans' Administration beneficiary under legal disability, arrangements are made, ordinarily, for payment of such benefits to a guardian or legal custodian. In the case of an incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made to the wife of the veteran for the use of the veteran and his dependents, and if the veteran is hospitalized, payment, under certain conditions may be made to the chief officer of the institution wherein the veteran is hospitalized. Payment of death benefits to a widow for herself and child or children, if any, may be made directly to such widow, notwithstanding she may be a minor. The appropriate field office of the Veterans' Administration furnishes complete information and instructions to relatives or friends as to the action to be taken when benefits are payable to a minor or incompetent beneficiary. (Sec. 21, World War Veterans' Act, 1924, as amended by sec. 2, Public Law 144, 78th Cong., approved July 13, 1943.)

#### DISCLOSURE OF INFORMATION

All files, records, reports, and other papers and documents pertaining to any claim are confidential and no disclosures thereof can be made except:

1. To a claimant or duly authorized representative as to matters concerning himself alone when such disclosures would not be injurious to the physical or mental health of the claimant;
2. When required by process of a United States court to be produced in any suit or procedure;
3. When required by any agency of the United States Government;
4. In all proceedings in the nature of an inquest into the mental competency of a claimant; and

5. In any judicial proceedings where such disclosure is deemed necessary and proper.

The amount of pension or compensation being paid may be made known to any person who applies for such information.

The address of a claimant is privileged and confidential and will not be disclosed except to duly constituted police or court officials upon proper request and the submission of a certified copy either of the indictment returned against the claimant or of the warrant issued for his arrest.

Section 10 of the act of October 17, 1940, Public Law 866, Seventy-sixth Congress, makes the provisions of Veterans Regulation No. 11, promulgated under Public Law 2, Seventy-third Congress, March 20, 1933, applicable to all claims under any of the laws administered by the Veterans' Administration. The provisions of Regulation No. 11 have briefly been set forth above. The recent law further provides that the Administrator of Veterans' Affairs may release information, statistics, or reports to individuals or organizations when, in his judgment, such release would serve a useful purpose.

#### COPIES OF RECORDS

Any person entitled to and desiring a copy of any record in the custody of the Veterans' Administration should make written application to the Veterans' Administration office where the record is located, stating specifically the particular record, paper, and so forth, a copy of which is desired, whether certified or uncertified, and the purpose for which such copy is desired to be used. The approximate cost of such copies must accompany the application. The fees charged are:

	Cents
Written copies, per 100 words.....	25
Photostat copies, per sheet.....	25
Certifications.....	25

## PART VII

### RECOGNITION OF ATTORNEYS, AGENTS, AND ORGANIZATIONS IN THE PRESENTATION OF CLAIMS

The World War Veterans Act, 1924, as amended, provided "That \* \* \* no claim agent or attorney, except the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars, and such other organizations as shall be approved by the director, shall be recognized in the presentation or adjudication of claims \* \* \*".

A similar provision was incorporated in paragraphs XVI and XVII of Veterans Regulation No. 10, March 31, 1933, promulgated under the act of March 20, 1933 (Public Law 2, 73d Cong.) but these paragraphs of the regulation were repealed and superseded by sections 200 and 201, Public Law 844, Seventy-fourth Congress, June 29, 1936, reading as follows:

SEC. 200. The Administrator of Veterans' Affairs is hereby authorized to recognize representatives of the American National Red Cross, the American Legion, the Disabled American Veterans \* \* \* the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, and such other organizations as he shall approve, in the presentation of claims under statutes administered by the Veterans' Administration. However, no such representative shall be recognized until a certificate has been filed in the Veterans' Administration, under such rules as the Administrator of Veterans' Affairs may prescribe, certifying that no fee or compensation of whatsoever nature shall be charged veterans or the dependents of veterans for service rendered. The rules prescribed by the Administrator of Veterans' Affairs shall contain a provision requiring in each claim the filing of a power of attorney in such manner and form as the Administrator of Veterans' Affairs may prescribe. The Administrator of Veterans' Affairs is further authorized in his discretion, under such regulations as he may prescribe, to recognize any person for the purpose of a particular claim under the conditions and limitations of this section.

SEC. 201. The Administrator of Veterans' Affairs is hereby authorized, under such rules and regulations as he may prescribe, to recognize agents and attorneys in the preparation, presentation, and prosecution of claims under statutes administered by the Veterans' Administration. The rules and regulations prescribed by the Administrator of Veterans' Affairs may require of such agents and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of claims, and the Administrator of Veterans' Affairs may, after notice and opportunity for a hearing, suspend or exclude from further practice before the Veterans' Administration any such agent or attorney shown to be, or to have been, engaged in unlawful, unprofessional, or dishonest practice, or guilty of disreputable conduct or who is incompetent, or who has violated or refused to comply with the laws administered by the Veterans' Administration, or with the laws, regulations, or instructions governing practice before the Veterans' Administration, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant by word, circular, letter, or advertisement. The Administrator of Veterans' Affairs is further authorized to determine and pay fees in allowed claims for monetary benefits under statutes administered by the Veterans' Administration to agents and attorneys recognized as provided in this title and to prescribe rules and regulations governing entitlement to and the amount and mode of payment of

such fees: *Provided*, That payment of such fees shall not exceed \$10 in any one claim and in all cases fees shall be deducted from the amount of monetary benefits allowed.

The provisions of sections 200 and 201, as well as other provisions of Public Law 844, Seventy-fourth Congress, June 19, 1936, were extended by section 616 of the National Service Life Insurance Act of 1940 to national service life insurance payable under that act, insofar as they are applicable.

Pursuant to authority contained in section 200, Public Law 844, Seventy-third Congress, the following organizations, associations, and other agencies have been granted recognition in the presentation of claims under statutes administered by the Veterans' Administration.

#### LIST OF RECOGNIZED ORGANIZATIONS, ASSOCIATIONS, AND OTHER AGENCIES

By virtue of authority contained in section 200, Public Law 844, Seventy-fourth Congress, the organizations, associations and other agencies listed below have been granted recognition in the presentation of claims under statutes administered by the Veterans' Administration.

1. National service organizations listed in section 200, Public Law 844, Seventy-fourth Congress:

Disabled American Veterans, headquarters, Cincinnati, Ohio.  
The American Legion, headquarters, Indianapolis, Ind.  
The American National Red Cross, headquarters, Washington, D. C.  
The United Spanish War Veterans, headquarters, Washington, D. C.  
Veterans of Foreign Wars; headquarters, Washington, D. C.

2. Other national and miscellaneous organizations:

Army and Navy Union, United States Army, headquarters, Akron, Ohio.  
Army Mutual Aid Association, War Department, Washington, D. C.  
Catholic War Veterans, Inc., headquarters, Empire State Bldg., New York, N. Y.  
County Service Office, County of Fresno, Fresno, Calif.  
Fleet Reserve Association; headquarters, Washington, D. C.  
Jewish War Veterans; headquarters, New York, N. Y.  
National Jewish Welfare Board, headquarters, New York, N. Y.  
Military Order of the World War, headquarters, Washington, D. C.  
National Society—Army of the Philippines, headquarters, Boston, Mass.  
National Tribune; headquarters, Washington, D. C.  
Navy Mutual Aid Association, Navy Department, Washington, D. C.  
Regular Veterans Association; headquarters, Washington, D. C.  
The American Veterans' Association, Inc., headquarters, New York, N. Y.  
The Disabled Emergency Officers of the World Wars, headquarters, Washington, D. C.  
The Military Order of the Purple Heart, Inc.; headquarters, Washington, D. C.  
United Indian War Veterans, U. S. A., headquarters, San Francisco, Calif.

3. State organizations:

*Arizona:* Veterans' Service Officer, Phoenix, Ariz.  
*Arkansas:* Arkansas Service Bureau, Little Rock, Ark.  
*California:* Veterans' Welfare Board, Department of Military and Veterans' Affairs, Sacramento, Calif.  
*Colorado:* Veterans' Service Officer, Denver, Colo.  
*Florida:* State Service Office, Bay Pines, Fla.  
*Georgia:* Veterans' Service Office, Atlanta, Ga.  
*Idaho:* Veterans' Welfare Commission, Boise, Idaho.  
*Kansas:* The State Department of Social Welfare, Topeka, Kans.  
*Kentucky:* Kentucky Disabled Ex-Service Men's Board, Lexington, Ky.  
*Maine:* Department of Health and Welfare, Augusta, Maine.  
*Maryland:* Maryland Veterans' Commission, Baltimore, Md.

*Massachusetts*: Commissioner of Veterans Aid and Pensions, Boston, Mass.

*Minnesota*: Department of Veterans' Affairs, St. Paul, Minn.

*Mississippi*: State Service Commission, Jackson, Miss.

*Missouri*:

State Service Officer, Jefferson City, Mo.

Veterans Welfare Association, St. Louis, Mo.

*Montana*: Veterans' Welfare Commission, Helena, Mont.

*Nebraska*: State Service Office, Lincoln, Nebr.

*Nevada*: Office of Veterans' Service Commissioner, Reno, Nev.

*New Hampshire*: State Veterans' Service Officer, Concord, N. H.

*New Jersey*: State Service Office, Trenton, N. J.

*New Mexico*: New Mexico Veterans' Service Commission, Santa Fe, N. Mex.

*North Carolina*: Department of Labor, Veterans' Division, Fayetteville, N. C.

*North Dakota*: Veterans' Service Commissioner, Bismarck, N. Dak.

*Ohio*:

Veterans Claims Bureau, Cleveland, Ohio.

Adjutant General's Department, Columbus, Ohio.

*Oregon*:

The Adjutant General, Military Department, Salem, Oreg.

War Veterans' Service Committee, Portland, Oreg.

*Pennsylvania*: The Adjutant General's Office, Harrisburg, Pa.

*Rhode Island*: Department of Social Welfare, Providence, R. I.

*South Dakota*: State Contact Office, Mitchell, S. Dak.

*Tennessee*: Ex-Servicemen's Bureau, Nashville, Tenn.

*Texas*: Adjutant General's Department, Austin, Tex.

*Utah*: Veterans' Rehabilitation Division, State Welfare Department, Salt Lake City, Utah.

*Vermont*: Department of Public Welfare, Montpelier, Vt.

*Virginia*: Division of War Veterans Claims, Department of Law, Richmond, Va.

*West Virginia*: State Department of Public Assistance, Division of Veterans' Service, Charleston, W. Va.

*Wisconsin*:

The Adjutant General's Office, Madison, Wis.

Veterans' Recognition Board, Madison, Wis.

Any organization desiring recognition must agree and certify that neither the organization nor its representatives will charge a claimant any fee or compensation for its services. The organization must submit a copy of its constitution or charter and bylaws, together with a written statement setting forth the manner in which ex-servicemen and their dependents would be benefited by such recognition.

The form of application for recognition is V. A. Form P-21.

Before an organization may be recognized in an individual claim there must be filed with the Veterans' Administration a form duly executed by the claimant and specifically conferring upon the organization the authority to represent the claimant in the presentation of the claim and to receive any information in connection therewith. The form used for this purpose is V. A. Form P-22.

The organizations recognized in the presentation of claims make no charge for their services and do not limit their assistance to their members. The Veterans' Administration in its central office and in its regional offices and facilities throughout the country employs skilled persons whose duties are to assist claimants in the preparation and presentation of their claims. While it has long been recognized that a claimant should not be denied the right to employ his own attorney or agent to assist him and while the laws and Veterans Regulations provide for the payment of fees under certain limitations, it is not necessary for any person to incur any expense for services in the preparation and presentation of claims under laws administered by the Veterans' Administration.

Any person who is an attorney at law in good standing, or any competent person who is not an attorney at law, may, if not prohibited by law, be admitted to practice as a pension attorney or pension-claims agent, respectively, provided he is a citizen of the United States or has declared his intention to become a citizen and is of good moral character and in good repute. Before any person admitted to practice as an attorney or agent can represent a claimant there must be filed with the Veterans' Administration a duly executed power of attorney.

The power of attorney must be signed by the claimant or his guardian in the presence of two witnesses, neither of whom is the agent or attorney, and be acknowledged before an officer duly authorized to administer oaths for general purposes. No paper in a claim can be executed before the attorney therein without resulting in the forfeiture of the attorneyship rights.

Relatives or friends of a claimant may, at the written request of the claimant, be recognized to represent gratuitously the claimant in a specified case.

The national service department of the Disabled American Veterans is headed by its national service director, Millard W. Rice. The department is composed of a staff of claims experts, located in the Munsey Building, Washington, D. C., supplemented by nationally paid part-time or full-time national service officers in most of the regional offices of the Veterans' Administration, and by part-time or full-time paid department and chapter service officers.

The American Legion's staff of rehabilitation experts in their Washington, D. C., office, 1608 K Street NW., is under the direction of T. O. Kraabel. Their national field service, composed of a director, and area field representatives, supervises the department and post service officers.

The American Red Cross maintains a staff of experts in Washington, D. C., under the direction of Robert E. Bondy, Administrator, Services to the Armed Forces, to assist disabled veterans with their claims, and has Field Directors covering every Regional Office of the Veterans' Administration to supervise their Home Service workers in their work of assisting disabled veterans.

The Veterans of Foreign Wars maintains a staff of service officers in the Tower Building, Washington, D. C., under the direction of Omar B. Ketchum. The larger departments, with the assistance of the national organization, supplement this staff with part-time or full-time department service officers.

#### AID BY VETERANS' ORGANIZATIONS

Under the Servicemen's Readjustment Act of 1944, upon certification to the Secretary of War or Secretary of the Navy by the Administrator of Veterans' Affairs of paid full-time accredited representatives of the veterans' organizations specified in section 200 of the act of June 29, 1936 (Public Law 844, 74th Cong.), and other such national organizations recognized by the Administrator of Veterans' Affairs thereunder in the presentation of claims under laws administered by the Veterans' Administration, the Secretary of War and the Secretary of the Navy are authorized and directed to permit the functioning of



such accredited representatives in military or naval installations on shore from which persons are discharged or released from the active military or naval service. In the preparation of regulations by the Secretary of War and the Secretary of the Navy jointly with the Administrator of Veterans' Affairs to accomplish this purpose the national officer of each of such veterans' organizations who is responsible for claims and rehabilitation activities must be consulted. The commanding officer of each such military or naval installation is required to cooperate fully with such authorized representatives in providing available space and equipment for such representatives.

The foregoing authorization may not operate so as to affect measures of military security now in effect or which may hereafter be placed in effect or to prejudice the right of the American Red Cross to recognition under existing statutes. (Sec. 200, Public Law 346, 78th Cong. approved June 22, 1944.)

## PART VIII

### SERVICE RECORDS, CITATIONS, AND DECORATIONS

#### HONORABLE DISCHARGE, MINORITY OR MISREPRESENTATION OF AGE

The act of March 3, 1936 (Public Law 467, 74th Cong.), provided that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows, and dependent children, a soldier who served as an enlisted man between April 6, 1917, and November 11, 1918, who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, would be held to have been discharged honorably from the military service on the date of his separation therefrom if his service otherwise entitled him to an honorable discharge. The act provided for the furnishing of certificates by the War Department upon request of the veterans or their widows.

The act of February 9, 1940 (Public Law 412, 76th Cong.), provided a similar benefit for former sailors or marines of the United States Navy or Marine Corps.

The act of May 25, 1937 (Public Law 108, 75th Cong.), provided a similar benefit for former soldiers of the United States Army, who enlisted between April 21, 1898, and July 4, 1902, and their widows and dependent children, and the act of June 22, 1938 (Public Law 697, 75th Cong.), provided a similar benefit for former members of the United States Navy or Marine Corps, who enlisted between April 21, 1898, and July 4, 1902, and their widows and dependent children.

#### DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES AWARDED BY WAR DEPARTMENT

(A. R. 600-45)

##### DECORATIONS FOR INDIVIDUALS

(Paragraphs numbered as in Army Regulations)

2. *War Department decorations.*—In order of precedence, except that the Oakleaf Cluster is issued in lieu of an additional medal, and its precedence is that of the medal it represents.

- a. Medal of Honor.
- b. Distinguished Service Cross.
- c. Distinguished Service Medal.
- d. Legion of Merit.
- e. Silver Star.
- f. Distinguished Flying Cross.
- g. Soldier's Medal.
- h. Purple Heart.
- i. Air Medal.

- j. Medal for Merit (State, War, and Navy Departments).
- k. Oak-leaf Cluster.
- l. Good-conduct Medal and Clasps.

3. *Limitation*.—Not more than one of the several decorations authorized by Federal law will be awarded for the same act of heroism or extraordinary achievement, Executive Order 4601, March 1, 1927.

5. *Presentation*.—*a. Medal of Honor*.—The recipient of a Medal of Honor will, whenever practicable, be ordered to Washington and the presentation made by the President. The ceremony of presentation of the Medal of Honor will be simple and in the presence of appropriate higher officers but without attendant troops or music. When it is impracticable for the President to present the Medal of Honor, the Secretary of War or an officer designated by him will act as the personal representative of the President for the presentation of that medal. When the award of the Medal of Honor has been made posthumously, presentation to the next of kin will be made by an officer designated by the War Department.

*b. Decoration other than Medal of Honor*.—

(1) Presentation of the decoration will be made with formal and impressive ceremony, including, when practicable, the attendance of troops

(2) Arrangements for the ceremony of presentation and the presentation will be made by the commander who makes the award (par. 8), or by an officer designated by him.

(3) Presentation to an individual no longer in service, or to the next of kin, will generally be made at the military post, camp, or station, nearest the home of the recipient. Since the wearing of a decoration by next of kin is not authorized, the proper method of presentation is to hand the decoration to the recipient in an open container

(4) When a decoration is awarded posthumously or to a person missing in action by a commander outside the continental United States, or in Alaska, The Adjutant General will, upon receipt of the orders announcing such award, cause presentation to be made to the next of kin (par. 22).

8. *Awards, by whom made*.—*a. General provisions*.—Awards of decorations are made by the War Department or by designated commanders, acting for the President. The authority granted to any commander to award decorations (other than the Purple Heart) does not authorize him to make an award for any act or service performed prior to his assumption of command or to any individual not permanently assigned to his command, except that immediate combat awards may be made for acts performed by individuals physically present within his command under competent orders. In any case where the commander is not authorized to make an award, recommendations will be forwarded to the War Department.

*b. To members of armed forces of United States*.—

(1) The Medal of Honor and the Distinguished Service Medal may be awarded by the War Department only.

(2) The Legion of Merit may be awarded by commanders specifically authorized by the War Department. Such authority may not be delegated.

(3) The Distinguished Service Cross, the Silver Star, the Distinguished Flying Cross, the Soldiers Medal, and the Air Medal may be awarded by—

(a) The commanding general of United States Army Forces in a theater of operations.

(b) The commanding generals of any of the following when operating directly under the War Department:

1. An army or air force.
2. A group of armies
3. A defense command in Alaska or outside the continental United States.
4. Any separate force commanded by a major general or officer of higher grade.

(4) The Purple Heart may be awarded by commanders named in (3) above, and the commander of any force which is commanded by, or the appropriate command of, a brigadier general or officer of higher grade, the commander of a named general hospital in the continental United States, and the commander of any general or evacuation hospital outside the continental United States.

(5) Contemplated awards to personnel of the Navy will be submitted to the senior naval commander present for concurrence.

*c To members of armed forces of foreign nations—*

(1) The Medal of Honor and the Purple Heart will not be awarded to personnel of foreign nations.

(2) The Distinguished Service Medal and the Legion of Merit may be awarded to foreigners only after approval of the President.

(3) The commanders named in *b* (3) above may make immediate combat awards of the Distinguished Service Cross, the Silver Star, the Distinguished Flying Cross, and the Air Medal, and awards of the Soldier's Medal for acts appropriate thereto, under the following conditions:

(a) Provided the recipient is below the grade of colonel or its equivalent, and

(b) Provided prior concurrence of the senior field commander present of the recipient's forces has been obtained, and

(c) Provided such field commander is of grade equal to or higher than that of United States brigadier general.

(4) Recommendation for awards other than those permitted under (3) above will be forwarded to the War Department for final action.

*d. To civilians.—*

(1) The Medal of Honor, the Legion of Merit, the Distinguished Flying Cross, and the Soldier's Medal will not be awarded to civilians.

(2) The Purple Heart may be awarded by the commanders named in *b* (3) above to accredited civilians (for example, war correspondents, Red Cross personnel, etc.) who are citizens of

the United States, and to officers and members of crews of ships of the United States Merchant Marine serving within their commands.

(3) The Distinguished Service Cross and the Silver Star may be awarded by the commanding generals of United States Army forces in theaters of operations, to officers and members of crews of ships of the United States Merchant Marine, serving under their jurisdiction. This authority will not be delegated.

(4) Except as indicated in (2) and (3) above, all awards to civilians must have the prior approval of the President. Such contemplated awards will be forwarded to The Adjutant General.

*e.* Commanders authorized to make awards may delegate all or any part of their authority, except where specifically prohibited, to subordinate commanders not below the grade of major general.

9. *Medal of Honor, to whom awarded.*—*a.* The Medal of Honor is awarded in the name of the Congress to each person who, while an officer, noncommissioned officer, or private of the Army, in action involving actual conflict with an enemy, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. See act July 9, 1918 (40 Stat. 870; 10 U. S. C. 1403).

*b.* In order to justify an award of the Medal of Honor, the individual must perform in action a deed of personal bravery or self-sacrifice above and beyond the call of duty, so conspicuous as clearly to distinguish him for gallantry and intrepidity above his comrades, involving risk of life or the performance of more than ordinarily hazardous service, the omission of which would not justly subject him to censure as for shortcoming or failure in the performance of his duty. The recommendations for the decoration will be judged by this standard of extraordinary merit, and incontestable proof of the performance of the service will be exacted.

10. *Distinguished Service Cross, to whom awarded.*—*a.* The Distinguished Service Cross is awarded to persons who, while serving in any capacity with the Army, distinguish themselves by extraordinary heroism in connection with military operations against an armed enemy. See act July 9, 1918 (40 Stat. 870; 10 U. S. C. 1406).

*b.* To warrant an award of the Distinguished Service Cross, a person must perform an act or acts of heroism so notable and involving a risk of life so extraordinary as to set him apart from his comrades.

11. *Distinguished Service Medal, to whom awarded.*—*a.* The Distinguished Service Medal is awarded to persons who, while serving in any capacity with the Army, distinguished themselves by exceptionally meritorious service to the Government in a duty of great responsibility. See act July 9, 1918 (40 Stat. 871; 10 U. S. C. 1407, 1408).

*b.* (1) The term "duty of great responsibility" means duty of such a character that exceptionally meritorious service therein has contributed in high degree to the success of a major command, installation, or project.

(2) The performance of the duty must be such as to merit recognition by the service as clearly exceptional. A superior performance of the normal duties of a position will not alone justify the award.

(3) The accomplishment of the duty for which the award is recommended should have been completed, or it should have progressed to

an exceptional degree if the person rendering the service has been transferred to other duties prior to its full accomplishment.

c. The Distinguished Service Medal will be awarded to personnel of foreign nations only under exceptional circumstances.

12. *Legion of Merit.*—a. *United States armed forces.*—

(1) The Legion of Merit, without reference to degree, is awarded to members of the armed forces of the United States and of the Government of the Philippines who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. See act July 20, 1942 (56 Stat. 662; 10 U. S. C. 1408b), Executive Order 9260, October 29, 1942.

b. *Armed forces of foreign nations.*—

(1) The Legion of Merit, in four degrees, is awarded to personnel of the armed forces of friendly foreign nations who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. The degrees are—

- (a) Chief Commander;
- (b) Commander;
- (c) Officer; and
- (d) Legionnaire.

(2) The degrees of Chief Commander and Commander are awards comparable to those for which the Distinguished Service Medal is awarded to members of the United States armed forces, and the degrees of Officer and Legionnaire are for services comparable to those for which the Legion of Merit would be awarded in our forces. A subsequent award in a lesser degree is not authorized. Paragraph 11 b (1), (2), and (3) applies to the degrees of Chief Commander and Commander. Paragraph 11 b (2) and (3) applies to the degrees of Officer and Legionnaire.

13. *Silver Star, to whom awarded.*—a. The Silver Star is awarded to persons who, while serving in any capacity with the Army, distinguish themselves by gallantry in action not warranting the award of a Medal of Honor or Distinguished Service Cross. See act December 15, 1942 (56 Stat. 1052, 10 U. S. C. 1412).

b. Those individuals who, prior to December 7, 1941, have been cited for gallantry in action in orders issued by the headquarters of a force commanded by a general officer, which citations do not warrant the award of the Medal of Honor or Distinguished Service Cross, may make application for the Silver Star Medal to The Adjutant General, War Department, A. G. O. Form No. 0714 (application for service medal), being used for this purpose.

14. *Distinguished Flying Cross, to whom awarded.*—a. The Distinguished Flying Cross is awarded to members of military, naval, and air forces who, while serving in any capacity with the air forces distinguish themselves by heroism or extraordinary achievement while participating in an aerial flight. See act July 2, 1926 (44 Stat. 789; 10 U. S. C. 1429); E. O. 4601, March 1, 1927.

b. In order to justify an award of the Distinguished Flying Cross for heroism, the heroism must be evidenced by voluntary action in the face of great danger above and beyond the line of duty while participating in aerial flight.

c. To warrant an award of the Distinguished Flying Cross for extraordinary achievement while participating in aerial flight, the results accomplished must be so exceptional and outstanding as clearly to set him apart from his comrades who have not been so recognized.

15. *Soldier's Medal, to whom awarded.*—a. The Soldier's Medal is awarded to members of military, naval, or air forces, who, while serving in any capacity with the Army, distinguish themselves by heroism not involving actual conflict with an enemy. See act July 2, 1926 (44 Stat. 789; 10 U. S. C. 1428).

b. The Soldier's Medal may be awarded to an individual for the performance of an act or acts of heroism involving voluntary risk of life under conditions other than those of conflict with an enemy.

16. *Purple Heart, to whom awarded.*—a. The Purple Heart, established by Gen. George Washington at Newburgh, August 7, 1782, during the War of the Revolution and revived out of respect to his memory and military achievements by War Department General Orders, No. 3, February 22, 1932, is awarded to members of the armed forces of the United States and to civilians who are citizens of the United States serving with the Army, who are wounded in action against an enemy of the United States, or as a direct result of an act of such enemy, provided such wound necessitates treatment by a medical officer. (For the purpose of awarding the Purple Heart, a wound is defined as an injury to any part of the body from an outside force, element, or agent sustained as the result of a hostile act of the enemy or while in action in the face of the enemy.) One award (the Purple Heart for the first wound, an Oak Leaf Cluster thereafter) is authorized for each such wound, except that only one award is authorized for two or more wounds received contemporaneously.

b. (2) The Purple Heart will be awarded posthumously by the War Department to members of the armed forces of the United States and to citizens of the United States who, while serving in any capacity with the Army of the United States since December 6, 1941, are killed in action or who die as a direct result of wounds received in action with an enemy of the United States, or as a direct result of an act of such enemy. The Adjutant General will cause the Purple Heart and Purple Heart certificate to be sent to the nearest of kin of persons entitled to the posthumous award as nearly coincidentally with the receipt of the report of death by the War Department as practicable and regardless of the fact that records may show that a presentation of the decoration has been made to the individual before his death.

(3) For acts or services performed prior to December 7, 1941, the Purple Heart may be awarded to those persons who, as members of the Army of the United States, have been awarded the meritorious service citation certificate by the commander in chief, American Expeditionary Forces in the World War I, who were authorized to wear the wound chevron, or who received wounds in action which would have entitled them to wear wound chevrons under the provisions of the then existing regulations, and who make application therefor to The Adjutant General.

17. *Air Medal.*—a. The Air Medal is awarded to persons who, while serving in any capacity in or with the Army, distinguish themselves by meritorious achievement while participating in an aerial flight.

See Executive Order 9158, May 11, 1942, and Executive Order 9242-A, September 11, 1942.

b. The required achievement to warrant award of the Air Medal is less than that for the Distinguished Flying Cross, but must nevertheless be accomplished with distinction above and beyond that normally expected. The Air Medal may be awarded to recognize single actions of merit or sustained operational activities against the enemy.

18. *Oak-leaf Cluster, to whom awarded*—a. None of the decorations authorized in this section will be issued more than once to any one person (except when awarded under the provisions of paragraph 16b (a), but for each succeeding deed, act, or achievement sufficient to justify an award, a bronze Oak-leaf Cluster will be awarded in lieu thereof.

b. Silver Oak-leaf Clusters are authorized for wear on the appropriate decoration in lieu of bronze Oak-leaf Clusters in the ratio of 1 to 5.

19. *Character of service subsequent to distinguished conduct*.—No decoration shall be awarded or presented to any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable. See act July 9, 1918 (40 Stat. 872; 10 U. S. C. 1409). See also section 12, act July 2, 1926 (44 Stat. 789; 10 U. S. C. 1429).

21. *Time limits*.—a. No decoration or other device in lieu of a decoration (except as provided in par. 16b (3), and in b below) shall be issued to any person after more than 3 years from the date of the act justifying the award thereof, nor unless a recommendation was submitted through official channels at the time of the distinguished act or service, or within 2 years thereafter, nor unless it shall appear from the records of the War Department that such person has so distinguished himself as to be entitled to the award. See act July 9, 1918 (40 Stat. 871); 10 U. S. C. 1409; E. O. 4601, March 1, 1927.

b. The Legion of Merit may be awarded up to and including July 20, 1945, but not thereafter, for exceptionally meritorious conduct in the performance of outstanding service between September 8, 1939, and July 20, 1942, both inclusive, provided the recommendation therefor shall have been made on or before July 20, 1944.

22. *Posthumous award*.—In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the decoration or other device presented to the first of the following representatives as shown by the records of the War Department: Widow (provided she has not remarried), eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. See act July 9, 1919 (40 Stat. 871; 10 U. S. C. 1409); E. O. 4601, March 1, 1927.

23. *Cost of engraving*.—The cost of engraving any decoration, either original or replacement, will be borne by the War Department. An authorized replacement will be engraved the same as the original.

24. *Replacement*.—Whenever a decoration, medal, cross, bar, ribbon, rosette, or other device presented in accordance with these regulations shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, it shall be replaced without charge. See Joint Resolution 23,



April 15, 1904 (33 Stat. 588; 5 U. S. C. 116) and act July 9, 1918 (40 Stat. 871; 10 U. S. C. 1416).

25. *Awards to units of, or persons serving with, the military forces of cobelligerent nations.*—\* \* \* the President is authorized, under regulations to be prescribed by him, to confer such decorations and medals as may be authorized in the military service of the United States upon units of, or upon any person serving in any capacity with, the military forces of the countries now, or which may hereafter be, engaged with the United States in the present war. See act December 17, 1942 (56 Stat. 1056; 10 U. S. C. 1423 b).

26. *Exhibition purposes.*—Upon approval by the Secretary of War, samples of decorations awarded by the War Department will be furnished at cost prices, plus transportation and packing charges (except to the War Department or a governmental agency), to museums, libraries, historical, numismatic, and military societies, or institutions of such a public nature as will insure an opportunity to the public to view the exhibits. Except for a War Department or a governmental agency exhibit, all sample decorations so furnished will be engraved at the expense of the purchaser with the words "For exhibition purposes only."

27. *Fourragere* —a. *Gratuitous issue.*—When an individual is authorized by the War Department to wear the fourragere, the fourragere, together with the distinctive mark prescribed in AR 600-35, will be furnished gratuitously. See act May 12, 1928 (45 Stat. 500; 10 U. S. C., 1415b). Duplicate fourrageres and distinctive marks will also be furnished gratuitously to persons in the military service, provided the original was lost, destroyed, or rendered unfit for use through no fault or neglect on their part. Such persons should apply therefor to The Adjutant General through military channels.

b. *Sale.*—Duplicate fourrageres and distinctive marks will be furnished at cost price to former members of the Army, whose separation therefrom was under honorable conditions, and who have lost the original through no fault or neglect on their part. Such persons should make application therefor on a blank form which may be obtained from The Adjutant General, Washington 25, D. C.

28-30. *Medal for Merit.*—The Medal for Merit is awarded to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly nations as have, since the proclamation of an emergency by the President on September 8, 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services. The award to civilians of foreign nations shall be only for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations. See act July 20, 1942 (56 Stat. 662; 10 U. S. C. 1408b).

33. *Awards by foreign governments.*—a. That officers and enlisted men of the armed forces of the United States be, and they are hereby authorized during the present war and for a year thereafter to accept from the governments of cobelligerent nations or the other American republics such decorations, orders, medals, and emblems, as may be tendered them, and which are conferred by such governments upon members of their own military forces, hereby expressly granting the consent of Congress required for this purpose by clause 8 of section 9,

article I, of the Constitution: *Provided*, That any such officer or enlisted man is hereby authorized to accept and wear any decoration, order, medal, or emblem heretofore bestowed upon such person by the government of a cobelligerent nation or of an American republic. Section 1, act of July 20, 1942 (56 Stat. 662; 10 U. S. C. 1423a).

(AR 600-68)

3. *Good-Conduct Medal*.—*a*. A Good-Conduct Medal may be awarded for exemplary behavior, efficiency, and fidelity to each enlisted man of the Army of the United States who—

(1) On or after August 27, 1940, had or shall have completed 3 years of active Federal military service, or

(2) After December 7, 1941, has or shall have completed 1 year of continuous active Federal military service while the United States is at war.

*b*. Not more than one Good-Conduct Medal will be issued to any one enlisted man, but an enlisted man entitled to the award upon completion of any subsequent additional 3-year period of active Federal military service will be awarded the appropriate clasp in lieu thereof.

4. *a*. The Good-Conduct Medal has been established as a reward for those enlisted men who have demonstrated fidelity through faithful and exact performance of duty, efficiency through capacity to produce desirable results, and whose behavior has been such as to deserve emulation. It is not intended that each enlisted man entitled to an honorable discharge will be awarded the medal, nor will the award be made to those who display evidence of unsoldierly habits or traits of character even though trial by court martial was not warranted.

*b*. This award will not be made to an enlisted man whose records, during the required period of service (par. 3), disclose a conviction by any court martial, nor to one whose character or efficiency is rated below excellent.

*c*. Except when sentenced for longer than 6 months, a conviction by a court martial will not preclude the opportunity for an enlisted man to earn this award by rendering the required service after serving the sentence adjudged.

#### AUTHORIZED DECORATIONS, MEDALS, ETC., AWARDED BY THE NAVY DEPARTMENT

- |                                  |                                  |
|----------------------------------|----------------------------------|
| (1) Medal of Honor.              | (5) Silver Star Medal.           |
| (2) Distinguished Service Medal. | (6) Navy and Marine Corps Medal. |
| (3) Distinguished Flying Cross.  |                                  |
| (4) Navy Cross.                  |                                  |

(1) *The Medal of Honor* may be awarded to any person who, while in the naval service of the United States, shall in action involving actual conflict with the enemy, or in the line of his profession, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or to the command to which attached. (Act of December 21, 1861, 12 Stat. 330, as amended August 7, 1942, 56 Stat. 743).

(2) *The Distinguished Service Medal* may be awarded to any person who, while serving in any capacity in the Navy of the United States since April 6, 1917, has distinguished or who hereafter shall distinguish himself by exceptionally meritorious service to the Government in a duty of great responsibility. (Act of August 7, 1942, 56 Stat. 743.)

(3) *Distinguished Flying Cross*.—This medal is awarded to any person who, while serving with the United States Navy or with the United States Coast Guard since April 6, 1917, has distinguished, or who, after July 2, 1926, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight. The same conditions prescribed for the Army are for application. (Act of July 2, 1926, 44 Stat. 789, as amended by the act of July 30, 1937, 50 Stat. 549.)

(4) *Navy Cross*.—The Navy Cross may be presented to any person who, while serving in any capacity with the naval service of the United States, distinguishes himself by extraordinary heroism in connection with military operations against an armed enemy. (Act of August 7, 1942, 56 Stat. 743.)

(5) *Silver Star Medal*.—This medal may be presented to any person who, while serving in any capacity in the Navy of the United States, since December 6, 1941, has distinguished himself or who hereafter shall distinguish himself conspicuously by gallantry and intrepidity in action, such gallantry not being sufficient to justify the award of a Medal of Honor or a Navy Cross. (Act of February 4, 1919, as amended by act of August 7, 1942, 56 Stat. 743.)

(6) *Navy and Marine Corps Medal*.—This medal may be presented to any person who while serving in any capacity with the United States Navy or Marine Corps, including the Naval Reserve or Marine Corps Reserve, shall have since December 6, 1941, distinguished himself or herself by heroism not involving actual conflict with an enemy, or to any person to whom the Secretary of the Navy has heretofore awarded a letter of commendation for heroism, regardless of the date of such act of heroism, who makes application for such medal.

#### NAVY VICTORY MEDALS AND BUTTONS

All personnel who were on active duty between April 6, 1917, and November 11, 1918, are entitled to the Victory Medal and Victory Button issued by the Bureau of Navigation.

Date for issuance of Victory Medals and clasps has been extended to include persons who entered Navy or Marine Corps service after November 11 and served with American Expeditionary Forces in Siberia or European Russia between November 12, 1918, and March 3, 1921.

A veteran who has lost his Victory Button or Medal may secure a card from the Bureau of Navigation authorizing purchase of a new one from certain authorized jewelers.

Application may still be made for special decorations for World War I service.

Unauthorized wearing of medals and decorations is punishable by fine or imprisonment or both.

## OTHER MEDALS AUTHORIZED

There have been recently authorized by law or Executive orders, other decorations, medals, etc., namely:

- (1) American Defense Service Medal.
- (2) American, European-African-Middle Eastern and Asiatic-Pacific Campaign Medals.
- (3) Women's Army Corps Service Medals.
- (4) Bronze Star Medal.
- (5) Citations for outstanding performance in action.

(1) The American Defense Service Medal may be awarded under such regulations as the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury may prescribe to personnel of the Army, Navy, Marine Corps, and Coast Guard of the United States serving during the limited emergency proclaimed by the President on September 8, 1939, to exist, or during the unlimited emergency proclaimed by the President on May 27, 1941 (E. O. 8808, June 28, 1941).

(2) The American, European-African-Middle Eastern, and Asiatic-Pacific Campaign Medals may be awarded under such regulations as the Secretary of War and the Secretary of the Navy may severally prescribe, to members of the land and naval forces of the United States, including the Women's Reserve of the United States Naval Reserve, and to members of the Women's Army Auxiliary Corps, who, during any period between December 7, 1941, inclusive, and a date 6 months subsequent to the termination of the present war, shall have served outside the continental limits of the United States in any of the respective areas as indicated by the names of the medals, such areas to be more precisely defined in the regulations. The Territory of Alaska is considered as outside the continental limits of the United States for the purpose indicated (E. O. 9265, November 6, 1942).

(3) The Women's Army Corps Service Medal may be awarded, under such regulations as the Secretary of War may prescribe, to members of the Women's Army Corps for honorable service performed by them in the Women's Army Auxiliary Corps (E. O. 9365, July 29, 1943).

(4) The Bronze Star Medal, with accompanying ribbons and appurtenances, may be awarded to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, or Coast Guard of the United States on or after December 7, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military or naval operations against an enemy of the United States. The medal may be awarded by the Secretary of War, or the Secretary of the Navy, or by such commanding officers of the Army, Navy, Marine Corps, or Coast Guard as the said Secretaries may respectively designate.

No more than one Bronze Star Medal may be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such award, a suitable device may be awarded to be worn with the medal. The Bronze Star Medal or device may be awarded posthumously and when so awarded, may be presented to such representative of the deceased as may be designated in the award (E. O. 9419, February 4, 1944).

(5) The Secretary of War and the Secretary of the Navy are authorized to issue citations in the name of the President of the United States as public evidence of deserved honor and distinction to any organization, unit, detachment, or installation of the Army of the United States or the Army of the Philippine Commonwealth for outstanding performance of duty in action on or after December 7, 1941, or to any ship aircraft, or other naval unit, and to any Marine Corps aircraft detachment, or higher unit for outstanding performance in action on or after October 16, 1941 (E. O. 9050, February 6, 1942; E. O. 9075, February 26, 1942).

#### POSTHUMOUS AWARDS

In case an individual who shall distinguish himself dies before the making of the award to which he may be entitled, the award may nevertheless be made and the medal or cross or bar or other emblem or insignia be presented within 5 years from the date of the act or service justifying the award thereof to such representative of the deceased as the President may designate (act of August 7, 1942, 56 Stat. 745).

#### MEDALS AWARDED BY THE TREASURY DEPARTMENT

(1) Gold Life-Saving Medal.                      (2) Silver Life-Saving Medal.

(1) *The Gold Life-Saving Medal* may be awarded to persons who by extreme and heroic daring have endangered their lives in saving or endeavoring to save lives from the perils of the sea in the waters over which the United States has jurisdiction, or upon an American vessel (14 U. S. C. 191-196).

(2) *The Silver Life-Saving Medal* may be awarded to persons who, in cases not sufficiently distinguished to deserve the gold medal, have endangered their lives in the saving or endeavoring to save lives from the perils of the sea in waters over which the United States has jurisdiction, or to those persons who have made such signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in the waters over which the United States has jurisdiction as in the opinion of the Treasury merit such recognition (14 U. S. C. 191-196).

#### LAPEL BUTTONS TO SIGNIFY HONORABLE MILITARY SERVICE

Any person, male or female, who has been honorably separated from military or naval service since September 9, 1939, is eligible to receive a lapel button to signify military service for wear on civilian clothing. The button will be free to all men and women, who on and after September 9, 1939, have honorably served in the armed forces of the United States and who have been or who are honorably discharged or transferred to an inactive status and to officers and enrolled members of the WAAC whose separation from the service was under honorable conditions.

Persons discharged from the military or naval service may secure the button as follows:

**Army.**—Apply in person at the nearest branch of the War Department or in writing to the Chief of Quartermaster Corps, Army War College, Washington, D. C.

*Navy.*—Apply in person at any naval training station, receiving station, or hospital, or in writing to the Bureau of Naval Personnel, Navy Department, Washington, D. C.

*Marine Corps.*—Apply in person at any Marine Corps procurement office or write the Commandant, United States Marine Corps, Washington, D. C.

*Coast Guard.*—Apply in person at any district Coast Guard office or write to the Coast Guard Headquarters, Washington, D. C.

Officers must either present in person or forward by mail the original and one true copy of their separation orders placing them on inactive status together with their discharge certificate. Certificates submitted by officers must also carry the following: "I certify that I am authorized to wear the lapel button under the provisions of paragraph 53 B (2) (F), A. R. 600-40, August 28, 1941," and be signed by the individual.

All former enlisted personnel must either present in person or forward by mail their discharge certificate. If they desire they may send them by registered mail; however, the discharge certificate will not be returned by registered mail. It is suggested that discharge certificates be recorded at your county courthouse before forwarding them in order that a duplicate may be secured if the original becomes lost. This service is free to all veterans. Photostatic copies of certificates of discharge are not acceptable in any case.

Military personnel separated from service after November 30, 1943, will receive this button at the time of discharge.

## **PART IX**

### **VOCATIONAL REHABILITATION, EDUCATION OR TRAINING, EMPLOYMENT, AND PREFERENCE**

#### **VOCATIONAL REHABILITATION**

For the purpose of restoring employability lost by virtue of a handicap due to disability incurred in or aggravated by service on or after September 16, 1940 and prior to termination of World War II, a new system of vocational rehabilitation has been established. This program is authorized by Public Law 16, Seventy-eighth Congress, March 24, 1943, as modified or amended by the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong., June 22, 1944), and is under the direction and control of the Administrator of Veterans' Affairs. Application therefor should be made to the Director, Vocational Rehabilitation Service, Veterans' Administration, Washington, D. C.

#### **ELIGIBILITY REQUIREMENTS**

- (A) Active military or naval service at any time on or after September 16, 1940, and prior to the termination of World War II.
- (B) Discharge or release from active service under conditions other than dishonorable.
- (C) Service-connected pensionable disability due to World War II service.
- (D) Vocational handicap due to such disability.
- (E) Need for vocational rehabilitation to overcome such handicap.

#### **LENGTH OF TRAINING**

No course of training in excess of 4 years may be approved, nor may any training be afforded beyond 6 years after the termination of World War II.

#### **FACILITIES FOR VOCATIONAL REHABILITATION**

The Veterans' Administration may utilize and extend its present facilities, utilize those of other governmental agencies, as well as those maintained by joint Federal and State contribution, or contract with public or private institutions or establishments for such additional training facilities as may be suitable and necessary.

#### **COMPENSATION WHILE TRAINING**

While pursuing prescribed training, and for 2 months after employability has been determined, each veteran, if entitled to pension in an amount less than the following rates, including the additional amounts for wife, husband, child, or children, and dependent parents, will be paid increased or additional pension which, when added to the amount of pension to which he is otherwise entitled will aggregate an amount equal to such rates shown below:

Disabled person with no dependents (per month).....	\$80
Disabled person with wife, but no child (per month).....	90
Disabled person with wife and 1 child (per month, with \$5 for each additional child).....	95

Where the trainee has dependent parent or parents, an additional \$10 per month is payable for each such parent.

If the trainee is entitled to pension or retirement pay in an amount greater than payments at the foregoing rates, the pension or retirement will be paid in lieu of the training pay.

If the trainee is in placement training and receives any wage, compensation, or other income from his employer, the Administrator is authorized to reduce the pension to an amount considered equitable and just, but not below the amount of pension or retirement pay to which he would be entitled for service-connected disability if not following a course of vocational rehabilitation.

#### INJURY WHILE IN TRAINING

Where a trainee suffers an injury, or aggravation of an injury, as a result of the pursuit of a course of vocational rehabilitation, and not the result of his or her own willful misconduct, and such injury or aggravation results in additional disability to or death of such person, benefits will be awarded on the same basis as if the disability, aggravation, or death had been incurred in war service. Application for this benefit must be made within 2 years after the injury was suffered or such death occurred.

#### RULES, REGULATIONS, AND PENALTIES

The Administrator is authorized to make such rules and regulations as may be deemed necessary in order to promote good conduct and cooperation on the part of trainees. Penalties for breach of such rules and regulations may extend to a forfeiture by the offender for a period of 3 months of such portion of the training pay as will leave him not less than the amount of the monthly pension or retirement pay to which such person is entitled for service-connected disability, and such penalties may also extend to permanent discontinuance of training.

#### LEAVES OF ABSENCE

Leaves of absence may be granted trainees, when, in the opinion of the Administrator, such leaves do not materially interfere with courses of vocational rehabilitation. During such a leave, the trainee will be considered to be pursuing his course of vocational rehabilitation. Such leaves are not to exceed 30 days in any consecutive 12 months, except in exceptional circumstances as determined by the Administrator.

#### LOANS TO TRAINEES

The Administrator may make advancements not exceeding \$100 in any case, to persons commencing or undertaking courses of vocational rehabilitation, the loan to bear no interest and to be reimbursed in such installments as may be determined by the Administrator, by proper deductions from any future payments of pension or retirement pay.



**RETENTION OF BOOKS, SUPPLIES, OR EQUIPMENT FURNISHED TRAINEES**

Any books, supplies, or equipment furnished a trainee shall be deemed released to him except that if he fail because of fault on his part to complete the course of training, he may be required to return any or all of such books, supplies, or equipment not actually expended or to repay the reasonable value thereof.

**VOCATIONAL REHABILITATION OF PERSONS DISABLED IN INDUSTRY OR OTHERWISE**

Veterans who are not eligible for vocational rehabilitation by the Veterans' Administration by reason of the fact that they do not have a pensionable service-connected disability based upon World War II service or do not otherwise meet the eligibility requirements for such vocational rehabilitation, may, nevertheless be entitled to vocational rehabilitation as a disabled individual or a war disabled civilian under a State plan for vocational rehabilitation. For complete information concerning any vocational-rehabilitation program established by the State of his legal residence, the veteran should communicate with the Social Security agency in his State (Public Law 113, 78th Cong., approved July 6, 1943.)

**EDUCATION OF VETERANS**

Under title II of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong., approved June 22, 1944), education or training is available to persons who served in the active military or naval service on or after September 16, 1940, as hereinafter provided. This program is also under the direction of the Administrator of Veterans' Affairs. Application therefor should be made to the Director, Vocational Rehabilitation Service, Washington, D. C.

**ELIGIBILITY REQUIREMENTS**

(A) Active military or naval service at any time on or after September 16, 1940, and prior to termination of World War II.

(B) Discharge or release from service under conditions other than dishonorable.

(C) Except where the veteran desires a refresher or retraining course, education or training must have been impeded, delayed, interrupted, or interfered with by reason of entrance into service. Any person who was not over 25 years of age at time he entered service is deemed to have had his education or training impeded, delayed, interrupted, or interfered with.

(D) Service of 90 days or more, exclusive of any period during which veteran was assigned for a course of education or training under (a) the Army specialized training program or (b) the Navy college training program, either of which course was a continuation of his civilian course and was pursued to completion, or (c) as a cadet or midshipman at one of the service academies; or discharge or release from active service by reason of an actual service-incurred injury or disability.

(E) Course must be initiated not later than 2 years after date of veteran's discharge from service or after termination of World War II, whichever is later.

**LENGTH OF EDUCATION OR TRAINING**

(A) Education or training, or a refresher or retraining course at an approved educational or training institution, for a period of 1 year (or the equivalent thereof in continuous part time study), or for such lesser time as may be required for the course of instruction chosen.

(B) Upon satisfactory completion of education or training (but not a refresher or retraining course) an additional period of education or training not to exceed the time the veteran was in active service on or after September 16, 1940, and before termination of World War II, exclusive of any period during which veteran was assigned for a course of education or training under (a) the Army specialized training program or (b) the Navy college training program, either of which course was a continuation of his civilian course and was pursued to completion, or (c) as a cadet or midshipman at one of the service academies

(C) No course of education or training may exceed 4 years

(D) No education or training may be afforded beyond 7 years after termination of World War II.

(E) Where the additional period of instruction ends during a quarter or semester and after a major portion of such quarter or semester has expired, such period of instruction will be extended to the termination of such unexpired quarter or semester.

**FACILITIES FOR EDUCATION OR TRAINING**

Educational or training institutions shall include all public or private elementary, secondary, and other schools furnishing education for adults, business schools and colleges, scientific and technical institutions, colleges, vocational schools, junior colleges, teachers colleges, normal schools, professional schools, universities, and other educational institutions, and shall also include business or other establishments providing apprentice or other training on the job, including those under the supervision of an approved college or university or any State department of education, or any State apprenticeship agency or State board of vocational education, or any State apprenticeship council or the Federal Apprenticeship Training Service established in accordance with Public, No. 308 (75th Cong) or any agency in the executive branch of the Federal Government authorized under other laws to supervise such training.

The Administrator is required, from time to time to secure from the appropriate agency of each State a list of the educational and training institutions (including industrial establishments), within such jurisdiction, which are qualified and equipped to furnish education or training (including apprenticeship and refresher or retraining training), which institutions, together with such additional ones as may be recognized and approved by the Administrator, shall be deemed qualified and approved to furnish education or training to such persons as shall enroll. Wherever there are established State apprenticeship agencies expressly charged by State laws to administer apprentice training, whenever possible, the Administrator shall utilize such existing facilities and services in training on the job when such training is of 1 year's duration or more.

The Veterans' Administration is required to utilize existing facilities and services of Federal and State departments and agencies on the basis of mutual agreements with such departments or agencies.

#### MONETARY BENEFITS

##### *(A) To the educational or training institution.*

The Administrator of Veterans' Affairs is authorized to pay to the institution for each person enrolled in full-time or part-time course of education or training the customary cost of tuition and such laboratory, library, health, infirmary, and other similar fees as are customarily charged, and may pay for books, supplies, equipment, and other necessary expenses (exclusive of board, lodging, other living expenses, and travel) as are generally required for the successful pursuit and completion of the course by other students in the institution but not to exceed \$500 for an ordinary school year. No payments may be made to institutions, business, or other establishments furnishing apprentice training on the job. If the institution has no established tuition fee, or if its established tuition fee is found by the Administrator to be inadequate compensation to the institution for furnishing such education or training, the Administrator is authorized to provide for payment of such fair and reasonable compensation as will not exceed \$500 for an ordinary school year.

##### *(B) Subsistence allowance to veterans.*

While enrolled and pursuing a course of education or training, the veteran will be paid a subsistence allowance of \$50 per month, if without any dependents, or \$75 per month if he has dependents, including regular holidays and leave not exceeding 30 days in a calendar year. Lesser sums may be provided persons attending a course on a part-time basis or receiving compensation for productive labor. Any eligible veteran may pursue such full-time or part-time courses as he may elect without subsistence allowance.

#### CHOICE AND ELECTION OF BENEFITS

The veteran, otherwise eligible, is entitled to such course of education or training as he may elect and at any approved educational or training institution at which he chooses to enroll, whether or not located in the State in which he resides, which will accept or retain him as a student or trainee in any field or branch of knowledge which such institution finds him qualified to undertake or pursue. For reasons satisfactory to the Administrator, the veteran may change a course of instruction, and a course of instruction may be discontinued at any time, if it is found by the Administrator that, according to the regularly prescribed standards and practices of the institution, the conduct or progress of the veterans is unsatisfactory.

Any person eligible for education or training under the Servicemen's Readjustment Act of 1944, or for vocational rehabilitation under Public Law 16, Seventy-eighth Congress, March 24, 1943, as amended, may elect which benefit he desires. In the event of such election, the subsistence allowance may not exceed the amount of additional pension payable for vocational rehabilitation under Public Law 16.

**RETENTION OF BOOKS, SUPPLIES, OR EQUIPMENT FURNISHED TRAINEE OR STUDENT**

Any books, supplies, or equipment furnished a trainee or student shall be deemed released to him except that if he fail because of fault on his part to complete the course of training or education he may be required to return any or all of such books, supplies, or equipment not actually expended or to repay the reasonable value thereof.

• **EDUCATIONAL AND VOCATIONAL GUIDANCE**

The Administrator may arrange for educational and vocational guidance to persons eligible for education and training under this part. At such intervals as he deems necessary, he shall make available information respecting the need for general education and for trained personnel in the various crafts, trades, and professions: *Provided*, That facilities of other Federal agencies collecting such information shall be utilized to the extent he deems practicable.

**RULES, REGULATIONS, RESTRICTIONS**

The Administrator of Veterans' Affairs, consistent with and subject to the provisions and limitations of this title, is authorized to prescribe and promulgate such rules and regulations as may be necessary to carry out its provisions.

No department, agency, or officer of the United States, in carrying out the provisions of this part, shall exercise any supervision or control, whatsoever, over any State educational agency, or State apprenticeship agency, or any educational or training institution: *Provided*, That nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized, by existing provisions of law, to exercise over any Federal educational or training institution, or to prevent the furnishing of education or training under this part in any institution over which supervision or control is exercised by such other department, agency, or officer under authority of existing provisions of law.

**EMPLOYMENT OF VETERANS**

The Congress of the United States in title IV of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong., approved June 22, 1944), declared as its intent and purpose that there shall be an effective job counseling and employment placement service for veterans, and that to this end policies shall be promulgated and administered so as to provide for them the maximum of job opportunity in the field of gainful employment.

**VETERANS' PLACEMENT SERVICE BOARD**

To effectuate the above purpose, the Servicemen's Readjustment Act of 1944, in title IV, provides for the creation of a Veterans' Placement Service Board to cooperate with and assist the United States Employment Service, hereinafter mentioned. The Board will consist of the Administrator of Veterans' Affairs, as Chairman, the Director of the National Selective Service System, and the Administrator of the Federal Security Agency, or whoever may have the

responsibility of administering the functions of the United States Employment Service, and determine all matters of policy relating to the administration of the Veterans' Employment Service of the United States Employment Service.

The Chairman of the Board will have direct authority and responsibility for carrying out its policies through the veterans' employment representatives in the several States or through persons engaged in activities authorized by subsection (g) of section 8 of the Selective Service Act of 1940 (Public Law 783, 76th Cong., approved September 16, 1940, as amended (U. S. C., title 50, sec. 308)). The Chairman may delegate such authority to an executive secretary appointed by him and who shall thereupon be the Chief of the Veterans' Employment Service of the United States Employment Service.

The public records of the Veterans' Personnel Division, National Selective Service System, and the Veterans' Employment Service of the United States Employment Service shall be available to the Board.

The United States Employment Service is required to assign to each of the States a veterans' employment representative, who shall be a veteran of the wars of the United States separated from active service under honorable conditions, who at the time of appointment shall have been a bona fide resident of the State for at least 2 years, and who shall be appointed, subject to the approval of the Board, in accordance with the civil-service laws, and whose compensation shall be fixed in accordance with the Classification Act of 1923, as amended. Each such veteran's employment representative shall be attached to the staff of the public employment service in the State to which he has been assigned. He shall be administratively responsible to the Board, through its executive secretary, for the execution of the Board's veterans' placement policies through the public employment service in the State. In cooperation with the public employment service staff in the State, he shall--

(a) be functionally responsible for the supervision of the registration of veterans in local employment offices for suitable types of employment and for placement of veterans in employment;

(b) assist in securing and maintaining current information as to the various types of available employment in public works and private industry or business;

(c) promote the interest of employers in employing veterans;

(d) maintain regular contact with employers and veterans' organizations with a view of keeping employees advised of veterans available for employment and veterans advised of opportunities for employment; and

(e) assist in every possible way in improving working conditions and the advancement of employment of veterans.

Where deemed necessary by the Board, there shall be assigned by the administrative head of the employment service in the State one or more employees, preferably veterans, of the staffs of local employment service offices, whose services shall be primarily devoted to discharging the duties prescribed for the veterans' employment representative.

All Federal agencies are required to furnish the Board such records, statistics, or information as may be deemed necessary or appropriate

in administering the provisions of this title, and otherwise to cooperate with the Board in providing continuous employment opportunities for veterans:

The Federal agency administering the United States Employment Service is required to maintain that service as an operating entity and, during the period of its administration, to effectuate the provisions of this title.

The term "veteran" as used in this title shall mean a person who served in the active service of the armed forces during a period of war in which the United States has been, or is, engaged, and who has been discharged or released therefrom under conditions other than dishonorable.

#### VETERANS' EMPLOYMENT SERVICE

A Veterans' Employment Service was established under the authority of the Wagner-Peyser Act, June 6, 1933, and is now a part of the United States Employment Division, of the Bureau of Employment Security, Social Security Board, Federal Security Agency. The Veterans' Employment Service maintains a veterans' employment representative in each State, who is assigned to work in cooperation with the United States Employment Service for the State.

It is the duty of each veterans' employment representative to endeavor to intensify the active interest of the United States Employment Service for which he is assigned, as well as of the employees of its local employment offices, to the end of increasing the placements of qualified veterans into suitable jobs, both public and private.

It is also the duty of the State veterans' employment representative to try to arouse all prospective employers to extend opportunities for employment to veterans registered with local employment offices. As a part of these efforts, the veterans' employment representative is expected frequently to attend State and local meetings of various veteran organizations, and to supply their department and chapter employment officers with pertinent information as to Federal and State civil-service examinations and other employment opportunities through appropriate periodical bulletins. Every service organization unit should make sure that the name and address of its employment officer has been furnished to the State veterans' employment representative.

Veteran organizations can increase the effectiveness of their own respective employment services by the formation of State and local councils or committees on employment actively cooperating with State and local national defense councils, State and local vocational-rehabilitation councils, State and local advisory councils of the employment service, and other civic groups.

Annual registration and employment campaigns during some special week or month have, during the past 4 years, proven to be very helpful. Similar such campaigns ought to be conducted jointly by veteran and civic organizations at least once each spring.

State veterans' employment representatives are not placement officers and must, ordinarily, refer applicants for employment to local employment offices, although they are expected to, and do frequently, develop many local additional employment opportunities for qualified veterans.

Each local employment office is expected to designate one of its staff members, a veteran where possible, as a local veterans' placement representative, whose duty it is to devote every resource toward finding suitable jobs for employable veterans, including those handicapped by partial disabilities. It is also his duty, in most States, to arrange for short special courses of vocational training—supplemental or "refresher"—with the cooperation of the State office of education for those veterans who insist upon same and who could probably thereby better their chances for suitable employment. Partially handicapped veterans can often thereby become vocationally rehabilitated—the most valuable form of rehabilitation.

The number of placements are reported by the local employment offices to the State and in turn by it, through the State veterans' employment representative to the Veterans' Employment Service in Washington, D. C.

Every unemployed employable veteran should become and remain actively registered with the nearest public employment office. Although a local State employment office cannot create employment opportunities, and cannot guarantee to secure suitable employment for a veteran, they can and do develop opportunities through contacts with employers. As more employers find that they can rely upon local employment offices to refer qualified reliable workers to them, more and more employers will thereafter ask such local public employment offices to fill their employment needs.

The greater the number of veterans that are registered in public employment offices, the greater will be the range of selection for employers, among willing workers with varying qualifications, and consequently the greater will be the chance of those so actively registered to secure suitable employment incident to the speed-up production of national defense matériel.

#### FEDERAL SECURITY AGENCY, SOCIAL SECURITY BOARD, BUREAU OF EMPLOYMENT SECURITY

##### *Veterans' Employment Service*

O. D. Hollenbeck, Chief.

Hugh A. Kerwin, Assistant Chief.

##### *Veterans' Employment Representatives*

*Alabama:* S. E. Green, 1800 First Avenue, North, Birmingham.

*Arizona:* Glenn A. Snodgrass, 220 West Jefferson Street, Phoenix.

*Arkansas:* John A. Pearman, acting, 122 East Second Street, Little Rock.

*California:* Urban F. Stewart, 401-402 Sharon Building, 55 New Montgomery Street, San Francisco. Herbert Schierenbeck, assistant, 1031 South Broadway, Los Angeles.

*Colorado:* R. Dale Mickle, 486 State Capitol Annex, Denver.

*Connecticut:* Arthur V. Geary, 122 Washington Street, Hartford.

*Delaware:* John P. Benson, 601 Shipley Street, Wilmington.

*District of Columbia:* Howard S. Fisk, 1022 Fifteenth St. NW, Washington.

*Florida:* Ralph E. Macdonald, 201 City Office Building, Tallahassee.

*Georgia:* J. P. Kelly, 621 State Office Building, Capitol Square, Atlanta.

*Idaho:* Terry Prater, 159 South Eighth Street, post-office box 877, Boise.

*Illinois:* H. H. Weimer, 222 West North Bank Drive, Chicago. Walter E. Ernst, assistant, 222 West North Bank Drive, Chicago.

*Indiana:* Melville W. Hankins, 141 South Meridian Street, Indianapolis.

*Iowa:* John Quigley, 310-311 Federal Office Building, Des Moines.

*Kansas:* A. Ross Neville, acting, 800 Kansas Avenue, Topeka.

*Kentucky:* H. H. Jeffries, 520 Federal Building, Louisville.

*Louisiana:* Louis W. Dawson, 127 Elk Place, New Orleans.

*Maine:* Francis J. McDonnell, 76 Pearl Street, Portland.

*Maryland:* A. Vernon Collison, Baltimore Trust Building, Baltimore.  
*Massachusetts:* Irving J. Loucraft, 881 Commonwealth Avenue, Boston.  
*Michigan:* Russell D. Holmes, 15020 Woodward Avenue, Detroit.  
*Minnesota:* Veterans' Employment Service, 369 Cedar Street, St. Paul.  
*Mississippi:* L. W. Brandon, 207 Johnson-Spengler Building, Jackson.  
*Missouri:* Theodore Marks, 1101 East Capitol Avenue, Jefferson City.  
*Montana:* R. B. Downs, Old National Bank Building Annex, post-office box 953, Helena.  
*Nebraska:* W. H. Andresen, 243 North Thirteenth Street, Lincoln.  
*Nevada:* Harry Z. Guerin, 235 South Virginia Street, Reno.  
*New Hampshire:* Damis Bouchard, 225 South Main Street, Concord.  
*New Jersey:* Thornton Webster, Trenton Trust Building, Trenton.  
*New Mexico:* James A. Tadlock, 111 South Sixth Street, post-office box 1492, Albuquerque.  
*New York:* F. G. Newcomer, eleventh floor, 342 Madison Avenue, New York.  
 George W. Carpenter, assistant, eleventh floor, 342 Madison Avenue, New York.  
*North Carolina:* Ruffin C. Godwin, Caswell Building, Raleigh.  
*North Dakota:* Ed Kibler, Federal Building, Fargo.  
*Ohio:* Orin Schmitz, 127 Cleveland Avenue, Columbus.  
*Oklahoma:* Guy C. Knarr, 612 American National Bank Building, Oklahoma City.  
*Oregon:* J. Richard Smurthwaite, Jr., 202 Old Post Office Building, Portland.  
*Pennsylvania:* William O. Ligenfritz, 1835 North Third Street, Philadelphia.  
*Rhode Island:* John T. Radkin, 130 West Exchange Street, Providence.  
*South Carolina:* Felix W. Goudelock, 1001 Main Street, Columbia.  
*South Dakota:* Louverne J. Ballou, 422½ South Main Street, Aberdeen.  
*Tennessee:* Clark E. Sloan, 413 Cotton States Building, Nashville (3).  
*Texas:* Thomas L. Ward, 208 Brown Building, post-office box 957, Austin.  
 Thomas D. Kimbro, assistant, 208 Brown Building, post-office box 957, Austin.  
*Utah:* J. Harry Hickman, Continental Bank Building, Salt Lake City.  
*Vermont:* John H. Phalen, 14 Cottage Street, Rutland.  
*Virginia:* T. Clyde Smoot, 303 Broad-Grace Arcade, Richmond.  
*Washington:* James C. Grant, 408 Smith Tower Building, Seattle.  
*West Virginia:* Charles L. Rolfe, 311 Chamber of Commerce Building, Charleston.  
*Wisconsin:* William H. Siemering, room 108, State Office Building, 1 West Wilson Street, Madison.  
*Wyoming:* James F. Hook, 200 North Wolcott Street, post-office box 760, Casper.

## REEMPLOYMENT OF VETERANS

### VETERANS' REEMPLOYMENT RIGHTS

Any person inducted into the land or naval forces under the Selective Training and Service Act of 1940, as amended, who, in order to perform training and service, has left or leaves a position, other than a temporary position, in the employ of any employer and without regard to whether the position which he held shall have been covered into the classified civil service during the period of his military or naval service, and who, having satisfactorily completed his period of training and service, receives a certificate to that effect and is still qualified to perform the duties of such position and makes application for reemployment within 40 days after he is relieved from such training and service, is granted certain reemployment privileges or benefits. Likewise any person who, subsequent to May 1, 1940, and prior to termination by concurrent resolution of the Congress of the authority conferred upon the President to extend the periods of service of persons in the military service in the interests of national defense, shall have entered upon active military or naval service in the land or naval forces of the United States is entitled to the same reemployment benefits.

If any such person held a position in the employ of the United States Government, its Territories or possessions, or the District of Columbia, he is entitled to be restored to such position or to a position of like seniority, status, and pay; if such position was in the employ of a



private employer, such employer is required to restore such person to the position or a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so; and if such position was in the employ of any State or political subdivision thereof, it is declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

Any person who is restored to a position in accordance with the foregoing provisions is considered to have been on furlough or leave of absence during his period of training and service in the land or naval service and must be restored without loss of seniority and is entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect at the time such person was inducted into the armed forces. Further, such person may not be discharged from such position without cause within 1 year after such restoration.

In case any private employer fails or refuses to comply with the law granting such reemployment benefits, he may be required to do so through court proceedings and to compensate such person for any loss of wages or benefits suffered by reason of such unlawful action. Upon application, the United States district attorney or comparable official for the district in which such private employer maintains a place of business by any person claiming to be entitled to the benefits set forth above, the United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, will appear and act as attorney for such person in the amicable adjustment of the claim or court proceeding instituted to require the private employer to comply with such provisions and no fees or court costs may be taxed against the person so applying for such benefits. (Public Law 783, 76th Cong., approved September 16, 1940; Public Law 213, 77th Cong., approved August 18, 1941. Public Law 681, 77th Cong., approved July 28, 1942.)

#### REEMPLOYMENT ORGANIZATION

Paragraph (g) of section 8 of the Selective Training and Service Act of 1940, as amended, directs that a Personnel Division be established to protect the reemployment rights of veterans, and pursuant to that mandate, the Director of Selective Service established a Veterans' Personnel Division (formerly Reemployment Division). By Executive order of the President, dated December 5, 1942 (No. 9279), the functions of the Selective Service System were transferred to the War Manpower Commission in the Office for Emergency Management of the Executive Office of the President and since that date the functions of the Veterans' Personnel Division of the Selective Service System have been administered under the supervision and direction of the War Manpower Commission. This Division is charged with the responsibility of replacing in former positions, or aiding in securing new positions for, those persons satisfactorily completing service in the armed forces. In fulfilling its functions, the Veterans' Personnel Division is authorized to utilize the services of any or all departments and any or all officers or agents of the United States, and to accept the services of all officers and agents of the States and Territories. Reemployment rights apply to all honorably

discharged veterans, male and female, whether inducted, enlisted, or commissioned, subsequent to May 1, 1940.

At the request of the War Shipping Administration, the Veterans' Personnel Division of Selective Service will handle all the reemployment benefits accorded men discharged from the merchant marine pursuant to Public Law 87 of the Seventy-eighth Congress.

The Veterans' Personnel Division has been and is operating under a decentralized plan, in which operations are at the local level, supervision is at the State level, and planning and interpretations of the act are at the national level. At the local level, reemployment committeemen attached to each local board serve as the agents and counselors of the veterans with direct responsibility to restore them to their old jobs and serve as liaison agents and contact men with other Government agencies which provide specific services for the veterans. Veteran advisory committees are being formed in each community to make available the organized resources of the community in reintegrating veterans into civilian life.

National headquarters of the Selective Service System prepares the general plans and makes all decisions in interpreting the application of the act. This is necessary in order to secure uniformity of interpretation, since many organizations affected are interstate, and a lack of uniformity in the application of the act would make it unworkable. National headquarters maintains liaison with all the national bodies interested in employment. National headquarters under the new separation procedure, when in effect, will furnish the State headquarters with classified tallies of its reemployment committeemen's reports.

State headquarters of the Selective Service System selects and recommends the appointment of the reemployment committeemen, inspects their activities, sees that those not functioning are replaced, and arranges for the appointment of additional committeemen in any locality where the reemployment local necessities it, the object being to have sufficient committeemen in each locality so that every veteran receives immediate and personal attention to his needs. It transmits the reemployment committeemen's reports to national headquarters. The State veteran advisory committee, when formed, will maintain liaison with the State director in handling State-wide problems. The service of one officer, in whole or in part, and one full-time secretary should be adequate to handle the reemployment problems at the State level.

Local boards are the mailing addresses of the reemployment committeemen attached to them, and local boards should refer only honorably discharged veterans who report to them to their reemployment committeemen. The reemployment committeemen turn over to the local boards their records after final disposition of the cases. In case a reemployment committeeman resigns, all his records are turned over to the local board for transfer to his successor. Reemployment committeemen are entitled to local-board stationery and have the franked mailing privileges of the Selective Service System.

The reemployment committeemen attached to each local board are the veterans' personal representatives, agents, and advisers. They have direct responsibility to return veterans to old jobs, see that they are properly serviced by the Government agencies set up to help them, and report to their State headquarters the disposition of all such cases.

They are informed of the veterans' reemployment rights as specified in section 8 of the Selective Training and Service Act of 1940, as amended. They report all reemployment cases with controversies that they cannot adjust to the clearing-house committees, when formed, in their respective communities; maintain close liaison with them, and, until these committees are formed, report all such cases to their State headquarters as at present. They refer all new placement cases to the veterans' employment representatives of the United States Employment Service and follow up each case until satisfactory placement is accomplished. They, through their community contacts, especially through the veterans' advisory committee, make the organized resources of the communities available in replacing the veterans in civil life, particularly in creating preferential employment opportunities for veterans and occupational opportunities for the disabled.

The national clearing-house committee has been formed and is now organizing State and local clearing-house committees. Fifteen national organizations constitute the national clearing-house committee. In most instances, State clearing-house committees will contain most of the organizations represented on the national committee. The clearing-house committees are autonomous, and no Government official is eligible for membership, except in ex-official or liaison capacity as may be desired under certain local conditions.

The national clearing-house committee consists of representatives from each of the following organizations:

American Farm Bureau Federation	National Exchange Club
American Federation of Labor	National Grange
American Iron and Steel Institute	Railway Labor Executives Association
American Legion	(invited, acceptance pending)
Congress of Industrial Organizations	Rotary International
Disabled American Veterans	United States Chamber of Commerce
Kiwanis International	United States Junior Chamber of Commerce
Lions International	
National Association of Manufacturers	Veterans of Foreign Wars

State clearinghouse committees, now being formed, will consist initially of representatives from the organizations of the national committee. After the State clearinghouse committees are formed, they will establish liaison with State headquarters of Selective Service and will organize the local clearinghouse committees, which in turn will establish liaison with all Government agencies at the local level.

Local clearinghouse committees are to be organized in all the cities and towns of the Nation. These will consist of representatives of the national clearinghouse committee organizations and such other groups as are available and in position to render assistance in the local communities.

The functions of the clearinghouse committees will be to handle, as community problems, all reemployment cases that cannot be adjusted by the reemployment committeemen and to make available the combined resources of the community in supporting the efforts of the reemployment committeemen and the United States Employment Service.

#### **RETRAINING AND REEMPLOYMENT ADMINISTRATION, OFFICE OF WAR MOBILIZATION**

By Executive Order No. 9427, dated February 24, 1944, there was established in the Office of War Mobilization the functions of which, subject to the general supervision of the Director of War Mobilization,

will be exercised by a Retraining and Reemployment Administrator, with the assistance of a Retraining and Reemployment Policy Board composed of a representative of the Department of Labor, the Federal Security Administrator, the War Manpower Commission, the Selective Service System, the Veterans' Administration, the Civil Service Commission, the War Department, the Navy Department, and the War Production Board.

The functions of this Administration are—

(a) To have general supervision and direction of the activities of all Government agencies relating to the retraining and reemployment of persons discharged or released from the armed services or other war work, including all work directly affected by the cessation of hostilities or the reduction of the war program, to issue necessary regulations and directions in connection therewith; and to advise with the appropriate committees of the Congress as to the steps taken, or to be taken, with respect thereto.

(b) In consultation with the Government agencies concerned, to develop programs for the orderly absorption into other employment of persons discharged or released from the armed services or other war work including adequate provisions for vocational training, for the finding of jobs for persons so discharged or released, for assisting those persons and their families pending their absorption into employment, and for dealing with the problems connected with the release of workers from industries not readily convertible to peacetime use.

(c) In consultation with the Government agencies concerned, to develop programs for the adequate care of persons discharged or released from the armed services, including physical and occupational therapy for the wounded and disabled and the resumption of education interrupted by the war.

The Retraining and Reemployment Policy Board will invite representatives of other Government agencies to participate in its deliberations when matters especially affecting them are under consideration.

The Administrator, with the advice of the Policy Board, has issued the following policy statement with respect to the establishment of community information service centers:

#### *I. Information service centers for veterans and war workers.*

##### *Objectives.*

A. To supply the veteran with complete information concerning his or her rights, how and where to secure them, at the time of separation from the service.

B. In cases where the veteran did not secure adequate information at the time of separation from the service to see that he or she secures it at one of the three following Federal Government agencies: The United States Employment Service; Selective Service; and Veterans' Administration.

C. In cases where a veteran has not secured adequate information either at time of separation or at the agency contacted, to see that he or she has a single place in the community to which to go for such information.

D. To see that the war workers have a definite place in the community where he or she can go to learn all rights and how to secure them.

#### *II. Information service centers of the armed services.*

A. The Army, Navy, Marine Corps, and Coast Guard will undertake to supply personnel being separated from the service with definite and uniform information relative to benefits authorized by

the Federal Government. Such information will include steps to be taken by the individual in obtaining definite information in his or her own community for the purpose of obtaining employment, re-employment, and other aid. At separation centers or other discharge points the services will have suitable personnel whose definite duty it will be to place in the hands of each person separating from the service a concise and uniform pamphlet. This pamphlet will give a brief and simple outline of the benefits granted to veterans and will be a guide as to the steps that should be taken to obtain advice and assistance following separation.

### *III. Information service centers of Federal agencies.*

A. It shall be the responsibility of the United States Employment Service of the War Manpower Commission to maintain at each of its existing establishments an information service center for veterans and war workers which is equipped to supply information required about services and benefits available beyond those supplied by the United States Employment Service.

B. It shall be the responsibility of the Selective Service System to maintain an information service center in each of its existing facilities for the purpose of supplying the veterans with information concerning services and benefits available beyond those supplied by the Selective Service System.

C. It shall be the responsibility of the Veterans' Administration to maintain information service centers in each of its existing facilities for the purpose of supplying veterans with information concerning services and benefits available beyond those supplied by the Veterans' Administration.

D. It shall be the responsibility of all other Federal agencies rendering service or supplying benefits to the veteran to inform these information centers of details required for these centers to advise veterans.

### *IV. Veterans' service committees.*

A. Under the authority of the Administrator for Retraining and Reemployment there shall be established in each community a committee representing the Selective Service System, the United States Employment Service of the War Manpower Commission, and the Veterans' Administration insofar as any one or all of those agencies have facilities in that community. This committee will act as the representative of the Federal Government in connection with information to veterans. Each committee will select its own chairman and will add to its membership or will represent the Federal Government on community committees of the same nature, as the local situation requires.

B. This committee will have the following responsibilities in each community:

1. Determine the need for a single information service center over and above those existing in the individual agencies outlined herein.

2. Act as a central point for and mobilize the efforts of volunteer or other groups in the community in relation to veteran information activities.

3. Be the contact point in that community for the Administrator of Retraining and Reemployment in connection with the particular subject matter of this program.

### *V. Retraining and Reemployment Administration.*

A. The Administrator of Retraining and Reemployment with the assistance of the Board will provide a uniform pattern for these information centers indicating what they should be set up to accomplish and the information which they are to supply.

B. The Administrator of Retraining and Reemployment will give this entire program wide publicity and support.

In order to carry out its responsibilities in connection with this program, the Veterans' Administration is taking steps to increase the number of its contact representatives in regional offices and facilities having regional office activities to furnish all necessary information relative to the Veterans' Administration incident to the responsibilities and operations of the Selective Service System and the United States Employment Service of the War Manpower Commission. The Veterans' Administration has been rendering such service since 1938.

The Veterans' Administration will also be represented on the veterans' service committees formed pursuant to Section IV—Information Service Centers for Veterans and War Workers, to act as the representative of the Federal Government in connection with information to veterans.

#### ADVICE TO VETERANS AS TO REEMPLOYMENT RIGHTS

The Red Cross, and later the Veterans' Employment Service, have cooperated by interviewing men in the hospitals prior to discharge in order to assist them in prompt job placement. The Veterans' Employment Service interviewers forward their records directly to the United States Employment Offices and the Red Cross send their records through the Veterans' Personnel Division. This reporting system—but not the interviewing—is now being superseded by a new AGO form in the Army (a similar one is being worked out with the Navy and Marine Corps) through which the reemployment committeemen, the Veterans' Employment Service, and the Veterans' Administration will be simultaneously advised of the discharge of any man and of his requirements for assistance.

Through the veteran groups' representative on the clearinghouse committee, arrangements will be made for a personal call on each returned veteran. This will be done as a service rendered on behalf of the reemployment committeemen to insure that each veteran has been fully informed of his or her rights, and of the Government services and the services of the veteran organizations provided for their benefit, and to insure that those needing such services shall be brought in contact with their reemployment committeemen, so that prompt assistance may be rendered.

The discharged man may, at his own option, have his employment problems handled by a reemployment committeeman attached to the local board at which he is registered (if he is a registrant) or by a reemployment committeeman attached to any other local board, if reference to the local board at which he is registered would be inconvenient. It is important that each returning veteran promptly establish contact with a reemployment committeeman whether he needs assistance or not.

The veteran with an honorable discharge has the right to the services of his reemployment committeeman in securing reinstatement in his old job or in assistance in securing a new job through placing him in

liaison with the Veterans' Employment Service and United States Employment Service, and for assistance with the Veterans' Administration.

#### READJUSTMENT ALLOWANCES FOR FORMER MEMBERS OF THE ARMED FORCES WHO ARE UNEMPLOYED

The Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong.), approved June 22, 1944, in title V, provides for readjustment allowances for former members of the armed forces who are unemployed. Application therefor should be made to the Director of Finance, Veterans' Administration, Washington, D. C. The eligibility requirements, disqualifying provisions, and amounts payable to eligible veterans are as follows:

##### ELIGIBILITY REQUIREMENTS

(A) Active military or naval service at any time after September 16, 1940, and prior to termination of World War II.

(B) Discharge or release from active service under conditions other than dishonorable.

(C) Active service of 90 days or more, unless discharged for injury or disability incurred in service in line of duty.

(D) As to any week (a period of 7 consecutive calendar days) of unemployment for which allowance claimed—

(a) Must be residing in United States at time of claim.

(b) Must be completely unemployed, having performed no service and received no wages, or if partially unemployed, in that services have been performed for less than a full workweek, wages for the week must be less than the allowance plus \$3.

(c) Must be registered with and continue to report to a public employment office in accordance with its regulations.

(d) Must be able to work and be available for suitable work. Failure to comply with requirement which is due to illness or disability which occurs after commencement of period of continuous unemployment will not render person ineligible.

##### DISQUALIFICATIONS

(A) Leaves suitable work voluntarily, without good cause.

(B) Suspended or discharged for misconduct in course of employment.

(C) Failure without good cause to apply for suitable work to which referred by a public employment office.

(D) Failure without good cause to accept suitable work when offered.

(E) Without good cause, does not attend an available free training course as required by regulations.

(F) Unemployment due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or premises at which veteran is or was last employed, except where it is shown that veteran is not participating in or directly interested in the labor dispute which causes the stoppage of work and does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises where the stoppage occurs, any of whom are participating in or directly interested in the dispute. If in any case separate branches of work, which are commonly conducted as separate business in separate

premises, are conducted in separate departments of the same premises, each such department will be deemed to be a separate factory, establishment, or other premises.

*Penalties resulting from disqualifications.*

A claimant disqualified under any provision of (A) to (E), above, will be disqualified to receive any readjustment allowance for the week in which the cause of his disqualification occurred and for not more than 4 immediately following weeks.

In cases of successive disqualifications the Administrator of Veterans' Affairs may extend the period of disqualification for such additional period as he may prescribe but not to exceed 8 additional weeks in the case of any one disqualification.

A claimant disqualified under the provision of (F), above, will be disqualified to receive any readjustment allowance for any week with respect to which his unemployment is due to stoppage of work under the circumstances therein prescribed.

**TERMS DEFINED**

In determining the suitability of work or the existence of good cause with respect to a claimant, the conditions and standards prescribed by the unemployment compensation laws of the State in which he files claim will govern and as to any State having no applicable statute the Administrator of Veterans' Affairs is authorized to prescribe the conditions and standards for applicants. No work will be deemed suitable for an individual if the position offered is vacant due directly to a strike, lock-out, or other labor dispute, or the wages, hours, or other conditions of the work offered are substantially less favorable to him than those prevailing for similar work in the locality.

Wages mean all remuneration for services from whatever sources, including commissions and bonuses and the cash value of all remuneration in any medium other than cash

**PERIOD DURING WHICH ALLOWANCES PAYABLE**

Readjustment allowances are payable for each week of unemployment not to exceed a total of 52 weeks, which begins after the first Sunday of the third calendar month after date of enactment of the act, and occurs not later than 2 years after discharge or release from active service or after termination of the war, whichever is the later date. The number of weeks of allowance to which each eligible veteran will be entitled will be determined by the length of the period of his active service. For each calendar month or major fraction thereof of active service during the period prescribed above, the veteran will be entitled to 4 weeks of allowances. For the qualifying 90 days' period of service, the veteran will be entitled to 8 weeks for each month. As stated above, however, the total number of weeks may not exceed 52.

No readjustment allowance will be payable for any week commencing more than 5 years after termination of hostilities in the present war.

No readjustment allowance will be paid for any period for which the veteran receives increased pension while pursuing a course of vocational rehabilitation under Public Law 16, Seventy-eighth Congress, March 24, 1943, as amended, or subsistence allowance while pursuing a course of education or training under title II of the Servicemen's Readjustment Act of 1944.



**AMOUNT OF ALLOWANCE AND PAYMENT**

The allowance for a week will be \$20 less that part of the wages payable to the veteran which is in excess of \$3. Where the allowance is not a multiple of \$1, it will be computed to the highest multiple of \$1.

Readjustment allowances will be paid at the intervals prescribed by the unemployment compensation law of the State in which claim was made and if none are so prescribed they will be paid at such reasonable intervals as may be determined by the Administrator.

**SELF-EMPLOYED VETERANS**

A veteran who meets the eligibility requirements and who is residing in the United States if self-employed for profit in an independent establishment, trade, business, profession, or other vocation, upon showing that he has been fully engaged in such self-employment and that his net earnings in a trade, business, profession, or vocation have been less than \$100 in the previous calendar month, is entitled to receive, subject to the limitations as to time and amount, the difference (adjusted to the next highest multiple of \$1), between \$100 and his net earnings for such month.

The eligibility requirements under (D) and disqualifications shown above do not apply to self-employed veterans.

Payment to such veterans will be made by the Administrator at the time and in the manner other payments are made directly to veterans by the Administrator.

**AS TO UNEMPLOYED VETERANS COVERED BY THE RAILROAD RETIREMENT UNEMPLOYMENT INSURANCE ACT, AS AMENDED**

In the case of any veteran eligible under the provisions of this title who either at the time of application for the benefits herein provided is a "qualified employee" as defined in section 3 of the Railroad Unemployment Insurance Act, as amended, or was last employed prior to such application by an employer as defined in section 1 (a) of the said act, claim may be made through an office operated by or a facility designated as a free employment office by the Railroad Retirement Board pursuant to the provisions of said act. In such cases, the conditions and standards as to suitability of work or existence of good cause, the intervals for making claim for and payment of benefits, and the administrative and appellate procedures prescribed by or under said act shall govern, if not in conflict with the provisions of this title, the appellate procedures being subject to final appeal to the Administrator. In such cases, a reference in this title to a cooperating State agency shall be deemed to include the Railroad Retirement Board.

**ADMINISTRATIVE PROVISIONS**

The Administrator of Veterans' Affairs is authorized to administer this title and to utilize existing facilities and services of Federal and State departments or agencies on the basis of mutual agreements with such departments or agencies. Such agreements will provide for the filing of claims with the Administrator through established public employment offices and State unemployment compensation agencies and in the processing, adjustment, and determination of claims and payment of the allowances. A representative of the

Administrator who must be a war veteran, discharged from service under honorable conditions and a resident of the State for at least 2 years, will be located in each participating State department or agency.

The Administrator is authorized to prescribe rules and regulations consistent with the provisions of this title and to require such records and reports as he may find necessary to carry out its purposes. Cooperative rules and regulations relating to the performance by Federal and State departments or agencies of functions under agreements made therewith may be made by him after consultation and advisement with representatives of such departments or agencies. He is authorized to delegate to any officer or employee of his own or of any cooperating department or agency of any State such of his powers and duties other than of prescribing rules and regulations as he may consider necessary and proper to carry out the purposes of this title.

Allowances paid by cooperating State agencies will be repaid upon certification by the Administrator. The amounts so certified will be paid monthly to the departments, agencies, or individuals designated. The Administrator is authorized to certify to the Secretary of the Treasury for payment such sums as he estimates to be necessary to compensate any Federal department or agency for its administrative expenses under this title and to certify to the Social Security Board, the State departments, or agencies participating, and the amount of administrative expense incurred or to be incurred by a State under agreements made, which Board will then certify to the Secretary of the Treasury the amount to be paid to each State out of appropriations for the Veterans' Administration.

No person designated by the Administrator as a certifying officer shall, in the absence of gross negligence, or intent to defraud the United States be liable with respect to the payment of any allowance certified by him under this title, and no disbursing officer shall, in the absence of gross negligence, or intent to defraud the United States, be liable with respect to any payment by him under this title if it was based upon a voucher signed by a certifying officer designated by the Administrator.

#### APPENDIX

Any claimant whose claim for an allowance has been denied shall be entitled to a fair hearing before an impartial tribunal of the State agency or such other agency as may be designated by the Administrator. The representative of the Administrator located in each State shall be the final appellate authority in regard to contested claims arising in such State, subject to review by the Administrator.

#### ADJUSTMENT OF DUPLICATE BENEFITS

Where an allowance is payable to a claimant under this title and where, for the same period, either an allowance or benefit is received under any Federal or State unemployment or disability compensation law, the amount received or accrued from such other source shall be subtracted from the allowance payable under this title (except that this section shall not apply to pension, compensation, or retired pay paid by the Veterans' Administration); and the resulting allowances, if not a multiple of \$1, shall be readjusted to the next higher multiple of \$1.

## DECISIONS AND PROCEDURES

The authority to issue subpoenas and provisions for invoking aid of the courts of the United States in case of disobedience thereto, to make investigations, and to administer oaths, as contained in title III of the act of June 29, 1936 (49 Stat. 2033-2034; U. S. C., title 38, secs. 131-133), shall be applicable in the administration of this title.

## OTHER PENALTIES

SEC. 1300. Any claimant who knowingly accepts an allowance to which he is not entitled shall be ineligible to receive any further allowance under this title.

SEC. 1301. (a) Whoever, for the purpose of causing an increase in any allowance authorized under this title, or for the purpose of causing any allowance to be paid where none is authorized under this title, shall make or cause to be made any false statement or representation as to any wages paid or received, or whoever makes or causes to be made any false statement of a material fact in any claim for any allowance under this the period covered by such payment or the agreement with such agency or person, be returned to the Treasury and credited to the current appropriation for carrying out the purpose of this title, or, if returned after the expiration of period covered by this title, shall be covered into the Treasury as miscellaneous receipts.

SEC. 1101. (a) No person designated by the Administrator as a certifying officer shall, in the absence of gross negligence, or intent to defraud the United States, be liable with respect to the payment of any allowance.

## NEW PROCEDURE AND REPORT OF SEPARATION

## WD AGO FORM 53

1. WD AGO Form 53: The Adjutant General, working in conjunction with Selective Service, has developed and adopted a new report of separation officially identified as WD AGO Form 53. The servicing of seven forms and five letters has been eliminated and consolidated into the writing of this one simplified form by the discharging authority, six copies being required, which will be a part of the Army's basic discharge procedure.

2. Disposition of WD AGO Form 53:

(a) *Insurance notice.*—To Veterans' Administration, Washington, D. C. (To be accompanied by soldier's qualification card WD AGO Form 20, when pension claim is made.)

(b) *Posting copy.*—To The Adjutant General's Office, Washington, D. C. (Then to be transmitted to National Headquarters, Selective Service System.)

(c) *Board of registration copy.*—To State director of selective service for the State of registration; to be transmitted to the local board of registration.

(d) *Reemployment committeeman copy.*—To the proper State director of selective service for transmittal to the reemployment committeeman at the address of employment. (To be accompanied by soldier's qualification card WD AGO 20, when no pension claim is made.)

(e) *Veterans' employment representative copy.*—To the State veterans' employment representative of the War Manpower Commission through the State director of selective service for the State shown in item (d) above.

(f) *Soldier's copy.*—Copy to be handed to the discharged soldier. This copy has the soldier's duties, rights, and benefits printed on the back, and, will serve as a certificate to identify the soldier with his reemployment committeeman, his Veterans' employment representative (whether or not they have received their respective copies); also with the United States Civil Service Commission, and shows that he is entitled to a veteran's rights, such as registering as a veteran with the United States Employment Service

Diagnosis is on copy for local board of registration (This is confidential.) Statement of employment handicap is on the forms for the reemployment committeeman and Veterans' employment representative. This information is not on the veteran's copy.

#### VETERANS' PREFERENCE IN FEDERAL CIVIL SERVICE EMPLOYMENT

In making appointments to clerical and other positions in the executive branch of the Federal Government, the act of July 11, 1919 (41 Stat. 37) requires that preference be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, and marines who themselves are not qualified but whose wives are qualified to hold such positions. In making any reduction of force in any of the executive departments, the act of August 15, 1876 (19 Stat. 169), provides that the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors. The act of August 23, 1912 (37 Stat. 413), provides in part that in the event of reductions being made in the force of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged, or dropped, or reduced in rank or salary. Under the act of March 1, 1919 (40 Stat. 1224), the period of time during which soldiers, sailors, and marines, both enlisted and drafted men, who prior to entering the service of their country, had a civil-service status, and whose names appear on the eligible list of the Civil Service Commission, may not be counted against them in the determination of their eligibility under the law, rules, or regulations of the Civil Service Commission and at the time of demobilization their civil-service status shall be the same as when they entered the service.

Under the statutes afore-mentioned, and Executive orders of the President, rules and regulations have been adopted by the Civil Service Commission prescribing certain preference benefits in connection with examinations, ratings, appointments, and reinstatements in the classified service and in connection with any reduction in the force in any of the executive departments. Preference is also granted in connection with unclassified labor positions where labor regulations are for application, under special regulations approved by the President. These rules and regulations were modified to a certain extent or superseded by War Service Regulations relating to appoint-

ments now being made to positions in Federal Government service for the duration of the present war and for 6 months thereafter, which are also subject to the directives and orders of the War Manpower Commission.

Honorably discharged soldiers, sailors, and marines are entitled to military preference in competitive examinations for war-service appointments to positions in the classified service and the following persons are entitled to disability preference:

(1) Honorably discharged soldiers, sailors, and marines who establish by official records, the present existence of a service-connected disability.

(2) Honorably discharged soldiers, sailors, and marines who are over 55 years of age and because of disability are entitled to pension or compensation under existing laws.

(3) Widows of honorably discharged soldiers, sailors, and marines.

(4) Wives of honorably discharged soldiers, sailors, and marines who because of service-connected disability are not qualified for appointment.

(5) Wives of honorably discharged soldiers, sailors, and marines who are over 55 years of age and because of disability are not qualified for appointment.

(6) Retired officers and enlisted men who establish through official sources, the present existence of a service-connected disability.

Competitive examinations for original appointment will be held at such times and places and in such manner as the needs of the service require.

Until recently, examinations which had been closed but for which lists of eligibles existed or were about to be established, were reopened only to applicants granted disability (10-point) preference, and in such cases not less often than once each 6 months. For the first time, examinations will be reopened to 5-point preference applicants who apply within 6 months after their discharge from the armed forces but the examination must be one for which there is an existing list or for which a list is about to be established. Applications for examinations for which there are existing lists or for which lists are about to be established will be accepted at any time from persons granted 10-point preference. Such examinations reopened for preference applicants will be scheduled as the needs of the service require but in any case not less frequently than once each month.

Where the supply of eligibles exceeds the demand for employees, numerical ratings are assigned and 10 points are added to the rating of each eligible granted disability preference and five points are added to the rating of each eligible granted military preference. Upon lists where eligibles are assigned numerical ratings, the order of listing is as follows: (1) All eligibles granted disability preference in order of their ratings; (2) all other eligibles in order of their ratings as augmented by preference granted, if any.

Where the demand for employees exceeds the supply of eligibles, numerical ratings are not given and applicants are rated simply "eligible" and "ineligible" since all eligibles have opportunity for early appointment. Upon lists where eligibles are not given numerical ratings, the order of listing is as follows: (1) All eligibles granted disability preference (i. e., those eligibles who would on a numerically rated examination be granted 10-point preference); (2) all eligibles

granted military preference (i. e., those eligibles who would on a numerically rated examination be granted 5-point preference); (3) all other eligibles.

Under a recent act of Congress (Public Law 359), approved June 27, 1944, known as the Veterans' Preference Act of 1944, the above-mentioned statutes as well as some of the provisions of Executive orders and regulations promulgated pursuant thereto were brought together in comprehensive statutory form. In addition the act provides for certain preferences not accorded veterans under the existing law. Persons entitled to preference under the Veterans' Preference Act of 1944 are as follows:

(1) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department, or the Navy Department;

(2) The wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil-service appointment;

(3) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions; and

(4) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions

In all examinations to determine the qualifications of applicants for entrance into the service 10 points shall be added to the earned ratings of those persons included under (1), (2), and (3), and 5 points shall be added to the earned ratings of those persons included under (4). In examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this act as long as persons entitled to preference are available and during the present war and for a period of 5 years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

Detailed information concerning preference benefits may be obtained from the Civil Service Commission, Washington, D. C.

#### UNITED STATES CIVIL SERVICE REGIONS

For convenience in administration of field service the Commission has divided the United States into regions and territorial units. The following shows the titles of the Commission's regional directors and the addresses of their headquarters, the headquarters of the Commission's representatives outside of the continental United States, and the territory served by the respective civil-service regions and territorial units.

*Regional offices and branch regional offices*

Region	Address of regional director	Territory served	Branch regional offices	
			Title of official in charge	Address
First.....	Post Office and Court-house Bldg., Boston, Mass	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut	None.....	None
Second.....	Federal Bldg, Christopher St., New York, N Y	New York and New Jersey	do.....	Do.
Third.....	Customhouse, 2d and Chestnut Sts, Philadelphia, Pa	Pennsylvania and Delaware	Assistant regional director.	1022 New Federal Bldg, Pittsburgh, Pa
Fourth.....	Nissen Bldg, Winston-Salem, N. C.	Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.	Associate regional director	801 E St NW, Washington, D C.
Fifth.....	New Post Office Bldg, Atlanta, Ga	South Carolina, Georgia, Alabama, Florida, Mississippi, Tennessee, Puerto Rico, and Virgin Islands	None.....	None
Sixth.....	Post Office and Court-house Bldg, Cincinnati, Ohio	Ohio, Indiana, and Kentucky	Associate regional director.	1609 Commerce Bldg, Cleveland Ohio
			Assistant regional director.	Garfield Bldg, 4th and Jefferson Sts, Dayton, Ohio
Seventh.....	New Post Office Bldg, Chicago, Ill	Wisconsin, Michigan, and Illinois	do.....	14th floor, National Bank Bldg, Detroit, Mich.
Eighth.....	Post Office and Customhouse Bldg, St Paul, Minn	Minnesota, North Dakota, South Dakota, Nebraska, and Iowa	Special representative in charge	1301 Woodmen of the World Bldg, Omaha, Nebr
Ninth.....	New Federal Bldg, St. Louis, Mo	Kansas, Missouri, Oklahoma, and Arkansas	Associate regional director	300 Mutual Bldg, Kansas City, Mo
Tenth.....	Customhouse Bldg, New Orleans, La	Louisiana and Texas	Assistant regional director	Fidelity Bldg., Dallas, Tex.
Eleventh.....	Post Office Bldg., Seattle, Wash	Montana, Oregon, Idaho, Washington, and the Territory of Alaska	None.....	None
Twelfth.....	Federal Office Bldg, San Francisco, Calif	California, Nevada, Arizona, and the Territory of Hawaii.	Special representative in charge.	506 Post Office and Court house Bldg, Los Angeles, Calif
Thirteenth.....	New Customhouse Bldg, Denver, Colo	Colorado, New Mexico, Utah, and Wyoming.	do.....	100 Federal Bldg, Salt Lake City, Utah

*Representatives outside continental United States*

Hawaii (subsidiary to twelfth region) assistant director in charge, branch office, twelfth United States Civil Service region, Honolulu.

Puerto Rico (under supervision of director, fifth region, insofar as employment under United States Government is concerned) Chairman, Puerto Rico Civil Service Commission, San Juan.

Canal Zone Secretary, Board of United States Civil Service Examiners, Balboa Heights.

**CREDIT FOR MILITARY SERVICE FOR RETIREMENT PURPOSES**

Under the provisions of Public Law 846, approved October 14, 1940, credit for time spent in active honorable service in any of the armed forces of the United States—except that used as the basis of receipt of longevity or disability retirement benefits, and except the minimum period of service required by law for the basis of receipt of pension for non-service-connected disability—may be credited for civil-service retirement purposes.

Prior to the enactment of such law, such military or naval service as was used as the basis of entitlement to compensation for a service-connected disability could not also be credited for civil-service retirement purposes.

Similar credit is extended as to retirement benefits under the Panama Canal and the Panama Railroad Retirement Act, the Alaska Railroad Retirement Act, and the Foreign Service Grading and Classification Act.

More detailed technical information should, if desired, be requested from the United States Civil Service Commission.

An amendment to the Railroad Retirement Act also gives credit for railroad retirement purposes for time spent in active honorable service with the armed forces of the United States, during time of war, prior to January 1, 1937, where continued employment with a railroad company was interrupted by reason of such military or naval service, with certain qualifications in the case of compensated veterans, the technicalities of which can be secured from the Railroad Retirement Board

#### PREFERENCES FOR VETERANS AND DEPENDENTS UNDER HOMESTEAD LAWS

Any officer, soldier, seaman, or marine who served for not less than 90 days in the Army, Navy, or Marine Corps of the United States during the Civil War, the Spanish-American War, the Philippine Insurrection, the Mexican border operations, or World War I, honorably discharged, including citizens of the United States who served with allied armies during World War I and were honorably discharged, upon resumption of their United States citizenship, provided their service was similar to service with the Army of the United States; or who served 30 days or more in the Indian wars between January 1, 1817, and December 31, 1898, and was honorably discharged, is entitled to certain preferences in connection with any homestead entry made under the homestead laws of the United States. He is allowed 6 months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement, and the time spent in military or naval service is considered the equivalent to residence and cultivation for the same length of time upon the tract entered or settled upon. If discharged on account of wounds received or disability incurred in line of duty, or if honorably discharged and subsequently awarded compensation by the Government for wounds received or disabilities incurred in line of duty, credit for the whole term of his enlistment may be allowed. Veterans of World War I who made entry upon or application for public lands of the United States under the homestead laws before entering upon a course of vocational rehabilitation or treatment by the Government for wounds received or disability incurred in line of duty were entitled to leave of absence from the land for the purpose of undergoing such treatment and such absence for treatment is counted as constructive residence. However, no patent will issue to any such officer, soldier, seaman, or marine who has not resided upon, improved and cultivated his homestead for a period of at least 1 year.



Similar credit for military service is given to any person who enters military service after his applications for homestead entry have been allowed or after application has been made which may thereafter be allowed or after he has made a valid settlement claim.

Death of the settler while in military service or as a result of such service is considered as equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim and his unmarried widow, or in the event of her death, or remarriage, his minor child, upon making final proof, is entitled to receive a patent for the land.

A person honorably discharged from service who, because of physical incapacities due to such service, is unable to return to the land may make final proof without further residence, improvement, or cultivation at such time and place as the Secretary of the Interior may authorize and receive a patent to the land entered.

All matters pertaining to lands owned by the Federal Government which are available for homesteading purposes are under the jurisdiction of the General Land Office, Department of the Interior, Washington, D. C., and complete information on this subject may be obtained by addressing that office.

#### **LOANS FOR PURCHASE, REPAIR, AND REFINANCING OF PROPERTY**

The Veterans' Administration is not authorized by law to make loans to its beneficiaries, except on the security of Government insurance held by them or adjusted-service certificates that have not been cashed. Unless such security can be offered, the Veterans' Administration cannot make a loan for any purpose.

The Farm Security Administration may make loans for the purchase of equipment, livestock, seed, fertilizer, etc. It is also authorized to make loans to the extent of available funds to capable farm tenants, sharecroppers, and farm laborers to enable them to buy family type farms of their own and similar long-term loans to enable farm owners to buy additional land necessary to build up family-type farms out of units that are too small. These loans are made at 3 percent interest for periods not exceeding 40 years. The only preference granted ex-servicemen in this regard is that applications from those who are drawing disability compensation or pension from the Government are given prior consideration over others. The Veterans' Administration cooperates to the extent of forwarding applications from veterans to the Farm Security Administration with certification as to whether or not the applicant is drawing compensation or pension.

Loans for the purchase of land may be made by the Farm Credit Administration under certain conditions, although no special concessions are granted to ex-servicemen. Information regarding such loans may be obtained by addressing the nearest field office of that Administration.

The Federal Housing Administration does not make loans direct but insures lending institutions against losses incurred on mortgages held as security for loans made for the construction, repair, etc., of homes. No special concessions are granted ex-servicemen. Information on this subject may be obtained by addressing the nearest district office of the Federal Housing Administration.

**LOANS FOR PURCHASE OR CONSTRUCTION OF HOMES, FARM, AND BUSINESS PROPERTY****LOANS GUARANTEED BY THE ADMINISTRATOR OF VETERANS' AFFAIRS**

Under title III of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong.), approved June 22, 1944, the Administrator of Veterans' Affairs is authorized to guarantee not to exceed 50 percent of any loan or loans made to eligible veterans for the purchase or construction of homes, farms, and business property. Application for loan guaranty for this purpose should be made to the Director of Finance, Veterans' Administration, Washington, D. C. The aggregate amount guaranteed by the Administrator may not exceed \$2,000. Loans which will be guaranteed by the Administrator may bear interest at a rate not exceeding 4 percent per annum and be payable in full in not more than 20 years under such terms and conditions as may be prescribed by the Administrator. Interest on that part of any loan guaranteed by the Administrator will be paid for the first year out of available appropriations. No security for the guaranty of a loan will be required except the right to be subrogated to the lien rights of the holder of the obligation which is guaranteed.

In any case wherein a principal loan for any of the purposes covered by this title is approved by a Federal agency to be made or guaranteed or insured by it pursuant to applicable law and regulations and the veteran is in need of a second loan to cover the remainder of the purchase price or cost, or a part thereof, the Administrator may guarantee the full amount of the second loan subject to the \$2,000 limitation and other provisions of this title. The second loan must not exceed 20 percent of the purchase price or cost and the rate of interest thereon must not exceed that on the principal loan by more than 1 percent. Regulations promulgated jointly by the Administrator and the head of such agency may provide for servicing of both loans by such agency and for refinancing of the principal loan to include any unpaid portion of the secondary loan with accrued interest, if any, after the curtailment thereon equals twice the amount of the secondary loan.

**FORECLOSURE**

Pursuant to regulations to be issued by the Administrator, the mortgagor and mortgagee shall agree that before bringing foreclosure proceedings for default in payment of principal or interest due the Administrator shall have at least 30 days' notice with the option of bidding in the property on foreclosure or of refinancing the loan with any other agency or by any other means available.

**ELIGIBILITY REQUIREMENTS**

Any person who served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to termination of the present war and who has been discharged or released therefrom under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty is eligible for loan guaranty benefits.

**PURPOSES FOR WHICH LOANS GUARANTEED****(A) For purchase or construction of homes.**

Any application made by a veteran under this title for the guaranty of a loan to be used in purchasing residential property or in constructing a dwelling on unimproved property owned by him to be occupied

as his home may be approved by the Administrator of Veterans' Affairs if he finds—

(1) that the proceeds of such loans will be used for payment for such property to be purchased or constructed by the veteran;

(2) that the contemplated terms of payment required in any mortgage to be given in part payment of the purchase price or the construction cost bear a proper relation to the veteran's present and anticipated income and expenses; and that the nature and condition of the property is such as to be suitable for dwelling purposes; and

(3) that the purchase price paid or to be paid by the veteran for such property or the construction cost, including the value of the unimproved lot, does not exceed the reasonable normal value thereof as determined by proper appraisal.

Any application for the guaranty of a loan under this section for the purpose of making repairs, alterations, or improvements in, or paying delinquent indebtedness, taxes, or special assessments on, residential property owned by the veteran and used by him as his home, may be approved by the Administrator if he finds that the proceeds of such loan will be used for such purpose or purposes.

No first mortgage shall be ineligible for insurance under the National Housing Act, as amended, by reason of any loan guaranteed under this title, or by reason of any secondary lien upon the property involved securing such loan.

*(B). For purchase of farms and farm equipment.*

Any application made under this title for the guaranty of a loan to be used in purchasing any land, buildings, livestock, equipment, machinery, or implements, or in repairing, altering, or improving any buildings or equipment, to be used in farming operations conducted by the applicant, may be approved by the Administrator of Veterans' Affairs if he finds—

(1) that the proceeds of such loan will be used in payment for real or personal property purchased or to be purchased by the veteran, or for repairing, altering, or improving any buildings or equipment, to be used in bona fide farming operations conducted by him;

(2) that such property will be useful in and reasonably necessary for efficiently conducting such operations;

(3) that the ability and experience of the veteran, and the nature of the proposed farming operations to be conducted by him, are such that there is a reasonable likelihood that such operations will be successful; and

(4) that the purchase price paid or to be paid by the veteran for such property does not exceed the reasonable normal value thereof as determined by proper appraisal.

*(C). For purchase of business property.*

Any application made under this title for the guaranty of a loan to be used in purchasing any business, land, buildings, supplies, equipment, machinery, or tools, to be used by the applicant in pursuing a gainful occupation (other than farming) may be approved by the Administrator of Veterans' Affairs if he finds—

(1) that the proceeds of such loan will be used for payment for real or personal property purchased or to be purchased by the veteran and used by him in the bona fide pursuit of such gainful occupation;

(2) that such property will be useful in and reasonably necessary for the efficient and successful pursuit of such occupation;

(3) that the ability and experience of the veteran, and the conditions under which he proposes to pursue such occupation, are such that there is a reasonable likelihood that he will be successful in the pursuit of such occupation; and

(4) that the purchase price paid or to be paid by the veteran for such property does not exceed the reasonable normal value thereof as determined by proper appraisal.

#### **ELIGIBILITY FOR LOANS UNDER BANKHEAD-JONES FARM TENANT ACT**

Any person who is found by the Administrator of Veterans' Affairs to be a veteran eligible for the benefits of this title and who is found by the Secretary of Agriculture, by reason of his ability and experience, including training as a vocational trainee, to be likely to carry out successfully undertakings required of him under a loan which may be made under the Bankhead-Jones Farm Tenant Act, shall be eligible for the benefits of such act to the same extent as if he were a farm tenant. Application for such loan should be made to the Farm Security Administration, Washington, D. C.

#### **APPOINTMENT OF SONS OF DECEASED VETERANS OF WORLD WAR I TO WEST POINT AND ANNAPOLIS**

In addition to the number of cadets otherwise authorized by law, at the United States Military Academy, and the number of midshipmen at the United States Naval Academy, the number of each is increased by 40 from the United States at large, to be appointed by the President, from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States, including members of the Army Nurse Corps (female) and Navy Nurse Corps (female) employed in the active service by the War Department, or Navy Department, who were killed in action or have died, or may hereafter die of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during World War I as defined by existing laws providing service-connected compensation for World War I veterans and their dependents. The determination of the Veterans' Administration as to service connection of the cause of death is final and conclusive and binding upon the Secretary of War and Secretary of the Navy, respectively. (Public Law 778, 77th Cong., approved December 1, 1942.)

## PART X

### SOCIAL SECURITY BENEFITS

The Social Security Act provides for several types of benefits which may be available to veterans as to anyone else, including (1) old-age and survivors insurance for wage earners and their families; (2) unemployment compensation for wage earners; (3) public assistance to the needy old and the needy blind who cannot support themselves, and to dependent children.

Old-age and survivors insurance is a Federal insurance system administered by the Social Security Board. It provides monthly benefits for the insured wage earner on retirement at age 65 or over; for his wife after he retires and she is 65; for his children after he retires if they are under 16, or under 18 and still in school. It provides monthly benefits also for the widow of an insured wage earner after she is 65 years old, or at any age if she is left with a child or children under 18 in her care. The children also receive monthly benefits until age 16, or age 18 if they are still in school. Dependent parents of a deceased wage earner under this system may receive monthly benefits if they are 65 years old and if he leaves neither wife nor eligible child.

To be insured under the old-age and survivors insurance system, a wage earner must have been employed on some business or industrial job and he must have received wages of not less than \$50 in each of a required number of calendar quarters since 1936. Benefits depend upon wages in such employment and the necessary wage records are kept by the Social Security Board in a separate account for each individual wage earner, under his name and social-security account number.

The costs of this system are shared by employers and employees, who contribute, by means of a pay-roll tax, to a Federal old-age and survivors insurance trust fund in the United States Treasury. Claims are paid out of this fund on certification by the Social Security Board.

Unemployment compensation is a Federal-State system of job insurance for wage earners employed in business or industry. Coverage, eligibility, and benefits are determined under State laws, administered by the States, but conforming in certain respects to the Social Security Act. Benefits are based on wages and are payable weekly for a specified number of weeks, to unemployed wage earners who meet the requirements of their State laws.

Old-age and survivors insurance benefits and unemployment compensation benefits are paid as a right. The fact that a veteran is receiving compensation or a pension, or that a widow is receiving death compensation, has nothing to do with his or her entitlement to old-age or survivors insurance benefits, or to unemployment compensation, or to workmen's compensation benefits.

The public assistance programs, under the Social Security Act, are entirely different from the social insurance programs. The basis of

eligibility here is need. These programs provide monthly cash payments for old people, blind people, and dependent children. The income of a veteran who applies for public assistance, or of his widow or his children, is taken into account in considering the application for assistance.

The State, not the Federal Government, administers these public assistance programs, and determines the amount of the payment in each case. The Federal Government shares the cost if the State program conforms to certain requirements of the Social Security Act.

More definite information concerning these social security benefits can be secured from local offices of the Social Security Board, the State unemployment compensation agencies, and public welfare departments.

## **PART XI**

### **PROVISIONS AS TO DECEASED VETERANS**

#### **DISPOSITION OF PERSONAL EFFECTS OF PERSONS DYING AT VETERANS' ADMINISTRATION FACILITIES**

When a veteran enters a Veterans' Administration facility for hospital treatment or domiciliary care he will be requested to execute and sign V. A. Form 1170 designating thereon the person or persons whom he desires to receive his personal funds and effects in case of death and if he dies while receiving hospital treatment or domiciliary care such funds and effects ordinarily will be delivered to the person so designated for disposition to the person or persons ultimately entitled thereto.

If a veteran dies in a Veterans' Administration facility without having executed Form 1170, and leaves a will, the funds and effects of such person may be turned over to the executor of the will. If the deceased had made no will such property, upon demand may be turned over to a qualified administrator for disposition in accordance with the laws of the State in which the deceased person was domiciled. Personal effects which remain unclaimed for 90 days after death of the veteran may be sold. Any unclaimed funds and the proceeds of any effects sold as unclaimed are deposited in the general post fund, subject to reclamation by or on behalf of any person entitled thereto within 5 years after notice of sale.

Whenever any veteran (admitted as a veteran) dies in any Veterans' Administration facility or in any hospital while being furnished care or treatment therein by the Veterans' Administration, without leaving any will and leaving no spouse, heirs, or next of kin entitled to his personal property, all such property, including money and choses in action, vests in and becomes the property of the United States as trustee for the sole use and benefit of the general post fund. Assets of the deceased veteran deposited in this fund are subject to valid claims of creditors presented to the Veterans' Administration within 1 year from date of death of the veteran or otherwise as provided by any applicable law, and any heir, next of kin, legatee, or other person found to be legally entitled to the personal property of the veteran may claim same within 5 years from date of the veteran's death or if claimant is under legal disability, within 5 years from date of removal of such legal disability. (Act of June 25, 1910, as amended by Public Law 382, 77th Cong., approved December 26, 1941).

Personal property left by any person at a Veterans' Administration facility, after a certain length of time and after due notice, will be sold and any person or persons rightfully entitled to the proceeds may make claim therefor at any time within 5 years. (Act of June 25, 1938, Public Law 734, 75th Cong.)

**BURIAL EXPENSES—VETERANS**

When an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge, provision is made for payment of burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, in a sum not exceeding \$100. No deduction is made from the burial allowance because of any contribution from any source toward the burial and funeral (including transportation) unless the amount of expenses incurred is covered by the amount actually paid for burial and funeral (including transportation) purposes by a State, county, or other political subdivision, workmen's compensation commission, State industrial accident board, employer, burial association, or Federal agency. No claim can be allowed for more than the difference between the entire amount of the expenses incurred, and the amount paid by any or all of the foregoing agencies or organizations. The law cannot be construed to cause payment of burial allowance or any part thereof in any case where a specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other act.

Where death occurs in a Veterans' Administration facility within the continental limits of the United States, the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as beneficiary of the Veterans' Administration for hospital or domiciliary care. If death occurs in a Veterans' Administration facility within the continental limits of the United States and burial is to be made without the continental limits of the United States (except Alaska), transportation will be allowed to port of embarkation or to the border limits of the United States, where burial is in Canada or Mexico. Where a veteran dies while hospitalized under authority of the Veterans' Administration in a Territory or possession of the United States the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the Territory or possession.

Claims for reimbursement must be filed within 2 years subsequent to the date of permanent burial or cremation of the veteran. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within 1 year from the date of the request therefor no allowance may be paid. Where death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs was authorized to receive and adjudicate a claim filed within 2 years after the date of enactment of Public Law 866,



Seventy-sixth Congress, October 17, 1940, and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by that act. (Pars. II, III, IV, Veterans Regulation No. 9 (a) as amended by Public Law 866, 76th Cong., approved October 17, 1940.)

The requirement as to honorable discharge was modified by the Servicemen's Readjustment Act of 1944 which provides that a discharge or release from active service under conditions other than dishonorable will be a prerequisite to entitlement to veterans' benefits provided by Public Law 2, Seventy-third Congress, as amended. (Sec. 1503, Public Law 346, 78th Cong., June 22, 1944.)

Veterans' Administration Form 530, Claim for Burial Expenses, will be used in making application for burial, funeral, and transportation expenses.

#### **EFFECT OF FORFEITURE OF BENEFITS BY VETERAN WITH RESPECT TO BURIAL BENEFITS**

Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15, Public Law 2, Seventy-third Congress, approved March 20, 1933, does not prohibit reimbursement on account of expenses incurred in the burial of such veteran otherwise authorized by law. (Sec. 9, Public Law 866, 76th Cong., approved October 17, 1940.)

#### **BURIAL FLAGS**

Burial flags may be issued by any county seat post office or field office of the Veterans' Administration on application made on V. A. Form 2008 by relatives or undertakers who desire to secure an American flag with which to drape the casket of an honorably discharged veteran of any war, or a person honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard after serving at least one enlistment or for disability incurred in line of duty. Such flag will be given to the next of kin after the burial of the veteran. Flags will not be issued subsequent to the burial of the deceased except where circumstances rendered it impossible for relatives or the undertaker to secure a flag to drape the casket, and then only to the widow, child, or parent. In such event full explanation must appear upon the application, Form 2008. Reimbursement will not be made for burial flags privately purchased by relatives, friends, or other parties, nor will flags be issued to undertakers, organizations, or individuals to replace flags loaned or donated by them. (Par. I, Veterans Regulation No. 9 (a), as amended by Public Law 166, 76th Cong., approved July 11, 1939.)

The requirement as to honorable discharge was modified by the Servicemen's Readjustment Act of 1944 which provides that a discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to veterans' benefits under Public Law 2, Seventy-third Congress, as amended. (Sec. 1503, Public Law 346, 78th Cong., June 22, 1944.)

#### **DEFINITION—VETERAN OF ANY WAR**

For the purpose of paying burial, funeral, and transportation expenses incurred in behalf of deceased veterans, the term "veteran of any war" includes veterans of the Civil War, Indian wars, Spanish-

American War, Philippine Insurrection, Boxer Rebellion, World War I, World War II, Women's Army Auxiliary Corps, Women's Reserve of the Navy and Marine Corps, Women's Reserve of the Coast Guard, Women's Army Corps, and retired officers and enlisted men who served honorably during a war period who meet the service requirements of the law or regulations defining such service. (Par. IV, Veterans Regulation No. 10, as amended by Public Law 10, 78th Cong., approved March 17, 1943; Public Law 110, 78th Cong., approved July 1, 1943.)

When the foregoing conditions are otherwise met, an honorable discharge is not required if the veteran was in receipt of pension, compensation, or emergency officers' retirement pay at the time of his death.

A discharged draftee or other person in similar status who reported to camp but who when medically examined was not accepted for military service does not come within the meaning of the term "veteran of any war" even though such person may have been in receipt of compensation or pension.

#### AS TO THOSE IN ARMY

When a soldier dies while on active duty with the United States Army, the expenses incident to the preparation of his remains and transportation to the place designated by the legal next of kin are borne by the War Department, in accordance with existing regulations.

After the remains arrive at the destination, an amount not exceeding \$50 may be allowed for necessary expenses of interment—such expenses to include undertakers' services, cost of grave site, opening and closing of grave, transportation of remains and immediate relatives to the cemetery, and services of a minister. In these cases the following is correct procedure to be followed:

(a) The undertaker rendering services incident to interment of the remains at destination should submit his itemized bill in triplicate to the Quartermaster General, War Department, Washington, D. C., with a certificate on each copy, over the signature of the undertaker.

(b) If the relatives pay the undertaker for the services rendered, the person paying same should address a letter to the Quartermaster General, War Department, Washington, D. C., requesting reimbursement and accompanying such request with an itemized receipted bill in triplicate.

Upon receipt of the bill in the Quartermaster General's Office executed in either of the two ways described above, you may rest assured it will be given every consideration with a view to payment in the amount allowed under existing regulations.

In accordance with War Department policy and pursuant to Army regulations, a flag is provided by the Army for all military personnel who die in the service. The flag is used to drape the coffin and, after interment (or reinterment in the United States in the case of military personnel who die overseas), is given to the next of kin, upon request. When a military funeral is not accorded, as would be in the case when the remains are not recovered, a flag may be issued to the next of kin under existing law and regulations, as was the policy after World War I.

#### AS TO THOSE IN NAVY

Officers and enlisted men of the Navy are entitled to burial in the National Cemetery at Arlington, Va. (near Washington); in the National Cemetery, San Francisco, Calif., or in any of the national or

naval cemeteries located at different points throughout the country. The graves in these cemeteries are marked with suitable headstones and are assured perpetual care. Except at cemeteries in the immediate vicinity of naval stations, however, it is impossible for the Navy Department to provide military honors, and the service of the Government usually is limited to the opening and closing of the grave, it being necessary that the relatives arrange for the funeral service.

If interment in a national or naval cemetery is not desired, the remains may be forwarded to the next of kin for private burial, the expenses of preparation, encasement, and transportation to the designated place being borne by the Navy Department. After the remains have been delivered at the place designated, the Navy Department may allow not to exceed \$50 for expenses in connection with the funeral, applicable only to one or more of the following items: hearse hire, transportation for immediate relatives to cemetery, undertaker's services, clergyman's services (not to exceed \$5), cost of single grave site, opening and closing of grave. This allowance may be paid by the Navy Department in one of the following ways:

(a) Claim for reimbursement of expenses incurred and defrayed by the next of kin in such cases may be submitted to the Bureau of Medicine and Surgery, Navy Department, in letter form, accompanied with itemized receipted bill or bills, in duplicate, showing the dates and nature of services rendered and by whom payment was made. On each receipted bill should be placed the certificate "Correct and just, payment not received," which should be signed by the claimant;

(b) Or the unpaid bill or bills, in duplicate, may be forwarded to the Bureau of Medicine and Surgery by the next of kin, with request that payment be made direct to the person or persons rendering services. The bill or bills should be itemized as above described and should bear the certificate "Correct and just, payment not received," with the autographic signature of the payee, and also with an additional certificate of the next of kin that the services were satisfactorily rendered as stated.

When a bill is signed and receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example, "John Doe Co., per John Smith, secretary," or "treasurer" etc., as the case may be.

If the remains are to be sent home for burial, transportation may be by express, without escort, or, in passenger service, under the escort of one person, as the next of kin may elect. Necessary traveling expenses of the escort are paid by the Government. However, unless request for escort is made, transportation will be by express.

In cases of express transportation, on Government bill of lading, the charges are billed to the Navy Department by the transportation company. Immediately after the body has been accepted by the transportation company, the original and one copy of the Government bill of lading will be mailed to the next of kin or to the designated consignee. It is important that both papers shall be carefully preserved until delivery of the body has been made, at which time the original should be signed by the consignee and surrendered to the transportation company, so that the company may collect charges

from the Navy Department. The copy of the bill of lading also should be signed by the consignee and returned to the place of origin.

When the next of kin has been informed of the shipment of the body at Government expense, and through some mistake the transportation company endeavors to collect transportation charges, payment should be refused and a telegram sent immediately to the Bureau of Medicine and Surgery, Navy Department, Washington, D. C., collect, stating the circumstances.

The remains will be encased in a casket which is standard for the naval service. This casket is used alike for officers and enlisted men, no distinction being made for rank, and it is not customary to make transfer to a more elaborate casket. The United States flag forwarded with the remains is for use at the funeral, and thereafter becomes the property of the next of kin.

The act of June 30, 1941, as amended (34 U. S. C. 551), authorizes the Secretary of the Navy in his discretion to issue free of cost a flag for draping the coffin of any officer or enlisted man of the Navy Department whose death occurs while in the service. The Navy Department's policy with regard to the issuance of flags to the next of kin of its deceased personnel is similar to the policy of the War Department expressed above.

#### ISSUANCE OF FLAG BY VETERANS' ADMINISTRATION TO NEAREST RELATIVES OF CERTAIN PERSONS WHO DIE IN SERVICE

In the case of any person who has died while in the military or naval service of the United States after May 27, 1941, and prior to the end of the wars in which the United States is now engaged, the Administrator of Veterans' Affairs is authorized and directed to issue free of cost to the nearest relative of such person, or to such other person as the Administrator deems most appropriate, a flag of the United States, if no person is otherwise entitled to receive a flag of the United States used at the funeral of the deceased person. (Public Law 187, 78th Cong., approved November 22, 1943.)

#### HEADSTONES

Upon application to The Quartermaster General, United States Army, Washington, D. C., headstones will be furnished for the unmarked grave of any individual who served with the Federal armed forces or the Confederate States Army, whose last service terminated honorably.

For veterans serving in the Civil War (April 15, 1861, to August 20, 1866) and the Spanish-American War (April 21, 1898, to April 11, 1899) the same type upright stone is furnished, with the exception that the words "Sp. Am. War" are added for those serving during that period. This stone is furnished in American white marble and light gray granite, the dimensions of which are 39 inches long, 12 inches wide, and 4 inches thick, with a slightly rounded top. The inscription is in raised lettering cut within a sunken shield.

For veterans serving in the Confederate States Army, an upright stone of marble or granite is furnished with a slightly pointed top showing the Confederate Cross of Honor above the inscription, and the letters "C. S. A." are placed below the inscription. The dimen-

sions of this type stone are 39 inches long, 12 inches wide, and 4 inches thick.

For all other veterans the upright stone referred to as the general type, in marble and granite, is furnished. This is 42 inches long, 13 inches wide, and 4 inches thick, with a slightly rounded top. Above the inscription is shown either the Latin Cross or the Star of David, as desired.

For those who do not desire upright stones, flat markers of marble or granite are furnished. These markers are 24 inches long, 12 inches wide, and 4 inches thick, and show either the Latin Cross or the Star of David, if desired.

The law provides the furnishing of a bronze marker to be used in those cemeteries where stone markers are not acceptable. As the basic materials for bronze markers are critical items of war supply, this type will not be furnished until the cessation of hostilities.

In regard to the purchase price of the stones of granite and the marker of bronze, no bid can be accepted which price exceeds the highest prevailing cost accepted of the general type marble stone.

Headstones will be shipped freight prepaid by the Government to the nearest railroad station or steamboat landing to the cemetery; the bronze markers were forwarded by parcel post. All expenses incident to the hauling of the stones and the erection of either the headstones or bronze markers at the grave must be borne by the applicant.

#### REGULATIONS FOR THE GOVERNMENT OF NATIONAL CEMETERIES

All soldiers, sailors, or marines, and all officers or men of the Coast Guard dying in the service of the United States or dying in a destitute condition after having been honorably discharged from the service, and all soldiers, sailors, or marines, who served or may serve during any war in which the United States has been or may be engaged, and, with the consent of the Secretary of War, any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during World War I and who died while in such service or after honorable discharge therefrom, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man in the first or second case, and a duly executed permit of the Secretary of War in the last case, shall be sufficient authority for the superintendent of any cemetery to permit the interment. Army nurses honorably discharged from their service as such may be buried in any national cemetery, and, if in a destitute condition, free of cost. The Secretary of War is authorized to issue certificates to those Army nurses entitled to such burial. Persons who were members of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918, may be buried in any national cemetery: *Provided*, That the interment is without cost to the United States. (See R. S. 4878; act April 15, 1920 (41 Stat. 552; 24 U. S. C. 281); act June 13, 1935 (49 Stat. 339; 24 U. S. C. 281).)

For those who were not in the service of the United States at the time of death, it is a prerequisite that they shall have been honorably discharged from the service. In all cases the last service of a decedent

must have been honorable. The production of the honorable discharge covering the last service of a decedent will be sufficient authority for the superintendent of a national cemetery to permit interment. In cases where the honorable discharge cannot be produced or where there is a reasonable doubt as to eligibility for interment in a national cemetery, the superintendent will telegraph the Quartermaster General for verification of service and authorization of interment, furnishing all the information it is possible to obtain concerning the service of the decedent including full name, organization, serial number, if any, and dates of service. In the case of citizens of the United States who served in the army or navy of any government at war with Germany or Austria, the superintendent will request evidence of citizenship at time of service, correct name of decedent, grade, and military organization in the army in which he served and will communicate with the Quartermaster General by telegraph for the necessary permit for burial. Pension certificates will not be accepted as authority upon which to authorize interment.

In the case of members of the President's Cabinet as indicated above, authority for interment will be requested of the Quartermaster General.

The wives of both officers and enlisted men may be buried with their husbands in a national cemetery. The wife may be interred prior to the death and burial of her husband provided the officer or enlisted man gives assurance that regardless of whether or not he remarries he will eventually be buried in the adjacent grave site reserved for the purpose. In those cemeteries where lots are assigned to an individual, the burial of his minor children and unmarried adult daughters (this includes daughters who have never married, widows, and divorcees) is permitted under the following conditions, provided there is room in the lot

1. That the fact of the interment shall be entered on the records of the cemetery, but the name shall not appear on any monument on the lot.

2. That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 by 20 inches at the top with a suitable identifying inscription and dates of birth and death.

3. That the written concurrence in the above conditions by the legal next of kin be forwarded to the Quartermaster General.

No lots or grave sites are assigned in advance of their actual requirement for burial purposes.

The erection of monuments at private expense in lieu of regulation Government headstones is authorized in certain sections of the older national cemeteries, provided they are approved as to design and inscription by the Quartermaster General. In new enlisted sections, when laid out, no private monuments are permitted. In newly established national cemeteries no private monuments will be permitted to be erected, all graves being marked with the regulation Government headstones. When interment is made in a national cemetery a Government headstone is ordered by the Quartermaster General upon receipt of report in that office of the interment from the superintendent, and no application need be made by relatives or friends.

## NATIONAL CEMETERIES

The names of the national cemeteries in which burial space is available and the cities in which or near which they are located, are listed as follows:

Mobile National Cemetery, Mobile, Ala.	Baltimore National Cemetery, Baltimore, Md.
Sitka National Cemetery, Sitka, Alaska.	Fort Snelling National Cemetery, Fort Snelling, Minn.
Fayetteville National Cemetery, Fayetteville, Ark.	Corinth National Cemetery, Corinth, Miss.
Fort Smith National Cemetery, Fort Smith, Ark.	Natchez National Cemetery, Natchez, Miss.
Little Rock National Cemetery, Little Rock, Ark.	Vicksburg National Cemetery, Vicksburg, Miss.
Fort Rosecrans National Cemetery, San Diego, Calif.	Jefferson Barracks National Cemetery, Jefferson Barracks, Mo.
Golden Gate National Cemetery, San Bruno, Calif.	Jefferson City National Cemetery, Jefferson City, Mo.
San Francisco National Cemetery, San Francisco, Calif.	Springfield National Cemetery, Springfield, Mo.
Soldiers' Home National Cemetery, Washington, D. C.	Custer Battlefield National Cemetery, Crow Agency, Mont.
Barrancas National Cemetery, Pensacola, Fla.	Fort McPherson National Cemetery, Maxwell, Nebr.
St. Augustine National Cemetery, St. Augustine, Fla.	Beverly National Cemetery, Beverly, N. J.
Andersonville National Cemetery, Andersonville, Ga.	Finns Point National Cemetery, Fort Mott, N. J.
Marietta National Cemetery, Marietta, Ga.	Santa Fe National Cemetery, Santa Fe, N. Mex.
Alton National Cemetery, Alton, Ill.	Long Island National Cemetery, Farmingdale, Long Island, N. Y.
Camp Butler National Cemetery, Springfield, Ill.	Woodlawn National Cemetery, Elmira, N. Y.
Mound City National Cemetery, Mound City, Ill.	New Bern National Cemetery, New Bern, N. C.
Quincy National Cemetery, Quincy, Ill.	Raleigh National Cemetery, Raleigh, N. C.
Rock Island National Cemetery, Rock Island, Ill.	Salisbury National Cemetery, Salisbury, N. C.
New Albany National Cemetery, New Albany, Ind.	Wilmington National Cemetery, Wilmington, N. C.
Keokuk National Cemetery, Keokuk, Iowa.	Fort Gibson National Cemetery, Fort Gibson, Okla.
Fort Leavenworth National Cemetery, Fort Leavenworth, Kans.	Gettysburg National Cemetery, Gettysburg, Pa.
Fort Scott National Cemetery, Fort Scott, Kans.	Philadelphia National Cemetery, Philadelphia, Pa.
Camp Nelson National Cemetery, Nicholasville, Ky.	Beaufort National Cemetery, Beaufort, S. C.
Danville Kentucky National Cemetery, Danville Ky.	Florence National Cemetery, Florence, S. C.
Lebanon National Cemetery, Lebanon, Ky.	Andrew Johnson National Cemetery, Greeneville, Tenn.
Mill Springs National Cemetery, Nancy, Ky.	Chattanooga National Cemetery, Chattanooga, Tenn.
Zachary Taylor National Cemetery, St Matthews, Ky.	Fort Donelson National Cemetery, Dover, Tenn.
Alexandria National Cemetery, Pineville, La.	Knoxville National Cemetery, Knoxville, Tenn.
Baton Rouge National Cemetery, Baton Rouge, La.	Memphis National Cemetery, Memphis, Tenn.
Port Hudson National Cemetery, Port Hudson, La.	Nashville National Cemetery, Nashville, Tenn.
Annapolis National Cemetery, Annapolis, Md.	
Antietam National Cemetery, Antietam, Md.	

Stones River National Cemetery, Murfreesboro, Tenn.	Fredericksburg National Cemetery, Fredericksburg, Va.
Fort Bliss National Cemetery, El Paso, Tex.	Glendale National Cemetery, Richmond, Va.
Fort Sam Houston National Cemetery, Fort Sam Houston, Tex.	Hampton National Cemetery, Phoebus, Va.
Alexandria National Cemetery, Alexandria, Va.	Poplar Grove National Cemetery Petersburg, Va.
Arlington National Cemetery, Fort Myer, Va.	Richmond National Cemetery, Richmond, Va.
City Point National Cemetery, Hopewell, Va.	Seven Pines National Cemetery, Richmond, Va.
Cold Harbor National Cemetery, Richmond, Va.	Staunton National Cemetery, Staunton, Va.
Culpeper National Cemetery, Culpeper, Va.	Winchester National Cemetery, Winchester, Va.
Danville National Cemetery, Danville, Va.	Grafton National Cemetery, Grafton, W. Va.
Fort Harrison National Cemetery, Richmond, Va.	



## PART XII

### STATE VETERAN LAWS

#### CHART RÉSUMÉ OF STATE LAWS GRANTING RIGHTS, BENEFITS, AND PRIVILEGES TO VETERANS, THEIR DEPENDENTS, AND THEIR ORGANIZATIONS

Types of laws	No.	States where in existence
Appropriations to veterans' organizations:		
By counties:		
For ambulances through Legion.	1	Del.
For Memorial Day.....	5	Ind., Minn., N. J., Ohio, Pa.
For relief.....	1	N. Y.
For Veteran organization conventions.	1	Wis.
For World War Memorial Histories.	1	Ind.
By municipalities For Memorial Day.	10	Conn., Ind., Kans., Mass., Minn., N. H., N. J., N. Y., Ohio, Pa.
By State:		
For rehabilitation service of—		
D. A. V.....	6	Ill., Ind., Mich., Minn., Ohio., Wash.
Legion.....	3	Ill., Mich., Ohio.
V. F. W.....	5	Ill., Ind., La., Mich., Ohio.
For State encampments of—		
Confederate Veterans.	1	La.
D. A. V.....	3	Ind., Mich., Wis.
G. A. R.....	4	Iowa, R. I., Utah, Wis.
Legion.....	4	Ind., Mich., Tenn., Wis.
Purple Heart.....	1	Mich.
U. S. W. V.....	5	Ala., Ind., Mich., R. I., Wis.
V. F. W.....	3	Ind., Mich., Wis.
For headquarters for—		
Confederate Veterans.	1	Va.
D. A. V.....	4	Ill., Mich., N. Y., Ohio.
Legion.....	5	Del., Mich., N. H., N. Y., Ohio.
G. A. R.....	10	Colo., Del., Iowa, Mass., N. H., N. J., N. Y., N. Dak., Ohio, Vt.
U. S. W. V.....	6	Colo., Del., Ind., Mont., N. Y., Ohio.
V. F. W.....	7	Colo., Del., Ill., Ind., Mich., N. Y., Ohio.
For war trophies.....	1	Mich.
For veteran rest camp.....	1	Minn.
By townships:		
For Armistice Day.....	2	N. Y., Pa.
For Memorial Day.....	3	Ind., Ohio., Pa.
“Bonus” to Veterans of—		
China Relief Expedition.....	2	Minn., Pa.
Mexican Border.....	1	N. Dak.
In purchase of State lands..	1	Colo.

*Chart résumé of State laws granting rights, benefits, and privileges to veterans, their dependents, and their organizations—Continued*

Types of laws	No.	States where in existence
"Bonus" to Veterans of—Con.		
Philippine Insurrection.....	3	Minn., Pa., S. Dak.
Spanish War.....	4	Minn., N. J., Pa., S. Dak.
World War I.....	21	Ill., Iowa, Kans., Maine, Mass., Mich., Minn., Mo., Nev., N. H., N. J., N. Y., N. Dak., Ohio, Oreg., Pa., R. I., S. Dak., Vt., Wash., Wis.
Burials:		
By counties:		
Of certain children.....	3	Ill., Iowa, N. Y.
Of certain parents.....	2	Ill., Ohio.
Of certain veterans.....	25	Ark., Ariz., Calif., Colo., Idaho, Ill., Ind., Iowa, Mich., Miss., Mont., Nebr., N. J., N. Mex., N. Y., N. C., Ohio, Okla., Pa., R. I., S. Dak., Wash., W. Va., Wis., Wyo.
Of certain wives and widows.	15	Ark., Ariz., Calif., Idaho, Ill., Ind., Iowa, Mich., N. Y., Ohio, Pa., S. C., S. Dak., Wash., Wis.
State aid for.....	17	Conn., Del., Ky., Maine, Md., Mich., Minn., N. H., N. Dak., R. I., S. C., S. Dak., Tenn., Tex., Utah, Vt., Va.
Right to firing squad.....	4	Conn., La., N. Mex., R. I.
Burial grounds for veterans:		
By States.....	9	Colo., Ky., Mich., Minn., Nebr., Oreg., Pa., R. I., Wash.
By counties.....	9	Ill., Kans., Mich., Minn., Mont., N. Y., Ohio, Pa., S. C.
By municipalities.....	5	Fla., Ind., N. Y., Ohio, Pa.
By townships.....	1	Ohio.
Care of veterans' graves		
By States.....	4	Ky., Maine, Va., Wash.
By counties.....	6	Calif., Iowa, N. Y., Pa., S. C., Wis.
By municipalities.....	5	Conn., Fla., Ill., N. J., Ohio.
By townships.....	2	Ind., Ohio.
Civil-service preferences		
By States:		
Appointment.....	23	Ala., Ark., Calif., Colo., Conn., Idaho, Ill., Ky., La., Md., Mass., Mich., Mont., Nev., N. J., N. Y., N. C., Ohio, Oreg., R. I., Tenn., W. Va., Wis.
As to experience.....	5	Mass., Mich., N. J., N. Y., N. Dak.
Promotion.....	4	Ill., N. J., N. Y., S. Dak.
Retention.....	5	Ala., Mich., Minn., N. J., N. Y.
Retirement purposes.....	14	Conn., Iowa, Ill., Kans., Mass., Minn., Mont., Nev., N. J., N. Y., N. Dak., Ohio, Pa., W. Va.
Special leaves:		
Armistice Day.....	1	N. Y.
Memorial Day.....	3	Mass., N. Y., Wis.
Veterans' Conventions	1	N. J.
Compilation of:		
Civil War roster.....	1	Minn.
State veteran laws.....	20	Ariz., Calif., Conn., Idaho, Ill., Kans., Md., Mass., Mich., Minn., Nev., N. H., N. J., N. Y., Ohio, Oreg., Pa., Vt., Wash., Wis.

*Chart résumé of State laws granting rights, benefits, and privileges to veterans, their dependents, and their organizations—Continued*

Types of laws	No.	States where in existence
Compilation of—Continued.		
World War I history.....	4	Mass., N. J., S. C., S. Dak.
World War I roster.....	7	Ind., Nebr., N. H., N. J., S. C., Tenn., W. Va.
Roster of all veterans.....	1	Ind.
Deceased veterans' bodies:		
Not to be dissected.....	6	Mass., Nebr., N. C., Pa., Vt., Wyo.
Removal to Soldiers' plots.....	3	Mich., N. Y., Ohio.
Decoration of veterans' graves:		
By States.....	1	R. I.
By counties.....	2	N. J., Pa.
By municipalities.....	4	Fla., Maine, Minn., Pa.
Domiciliary homes for—		
All war veterans.....	29	Calif., Colo., Conn., Idaho, Ill., Ind., Iowa, Kans., Md., Mass., Mich., Minn., Mo., Mont., Nebr., N. H., N. J., N. Y., N. Dak., Ohio, Okla., Oreg., Pa., R. I., S. Dak., Vt., Wash., Wis., Wyo.
Children and orphans.....	12	Ill., Ind., Iowa, Kans., Maine, Mich., Mo., Nebr., N. Y., Ohio, Pa., S. C.
Civil War veterans.....	18	Ala., Ark., Calif., Fla., Ga., Kans., Ky., La., Md., Miss., Mont., Mo., Okla., S. C., Tenn., Tex., Va., Wyo.
Wives and widows.....	22	Colo., Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., N. J., N. Y., N. Dak., Okla., Ohio, Oreg., S. C., S. Dak., Vt., Wash., Wis., Wyo.
Duty to secure United States headstones—		
By States.....	1	Minn.
By counties.....	10	Ariz., Calif., Ill., Mich., Mont., Nebr., N. Dak., Ohio, S. Dak., Wis.
Employment Preferences.		
General—State.....	17	Del., Idaho, Ill., Iowa, Kans., Mass., Mich., Minn., Mont., Nev., N. H., N. Dak., R. I., S. C., S. Dak., Tex., Wash.
Counties and municipalities.	17	Conn., Idaho, Ill., Iowa, Kans., Mass., Mich., Minn., Mont., Nev., N. H., N. J., N. Dak., R. I., S. C., S. Dak., Wash.
Limited preferences.....	23	Calif., Colo., Ill., Ind., Mass., Mich., Minn., Mo., Mont., Nev., N. H., N. J., N. Y., N. Dak., Ohio, Okla., Pa., R. I., S. C., S. Dak., Tenn., Va., Wash.
On public works.....	18	Del., Idaho, Ill., Iowa, Kans., Mass., Mich., Minn., Mont., Nev., N. H., N. Dak., Oreg., Pa., R. I., S. C., S. Dak., Wash.
Exemption from property taxes for—		
D. A. V.....	23	Same as to V. F. W., except Del. and N. H.
G. A. R.....	25	Same as to V. F. W.
Legion.....	26	Same plus N. C.
Memorials.....	6	Idaho, Ill., N. Y., N. Dak., Ohio, Wis.

*Chart résumé of State laws granting rights, benefits, and privileges to veterans, their dependents, and their organizations—Continued*

Types of laws	No.	States where in existence
<b>Exemption from property taxes for—Continued.</b>		
Society of Cincinnati.....	1	Md.
U. S. W. V.....	22	Same as to V. F. W., except Ala., Del., and N. Y.
V. F. W.....	25	Ala., Colo., Conn., Del., Fla., Idaho, Ind., Iowa, Kans., Maine, Md., Mass., Mich., Mont., Nev., N. H., N. J., N. Y., Pa., S. C., Vt., Va., Wash., Wis.
<b>Exemption of veterans' organizations from license fees:</b>		
For amusements.....	8	Fla., Conn., Mass., Mont., Nev., N. C., Pa., R. I.
For automobiles.....	2	Del., Pa.
For 40 & 8.....	2	Md., N. H.
Fees used for overseas veteran memorials.....	1	Pa.
For wrestling and boxing exhibitions.....	6	Fla., Ill., Ky., Nev., W. Va., Wis.
<b>Headstones or markers of veterans' graves:</b>		
By States.....	7	Conn., Iowa, Maine, Minn., Pa., R. I., Vt.
By counties.....	11	Colo., Ill., Iowa, Kans., Miss., Mont., Nebr., N. J., Ohio, Pa., S. Dak.
By municipalities.....	3	Mass., Mich., R. I.
In local cemeteries.....	5	Conn., Ill., Ind., Ohio, Pa.
<b>Hospital benefits—</b>		
In State or county hospitals.....	14	Ark., Calif., Conn., Ill., Kans., La., Mass., Mich., Minn., N. Mex., Ohio, Okla., Pa., Wis.
Special for tuberculosis veterans.....	4	Mont., Okla., Oreg., Tex.
Special wards, insane.....	-	Ill., Ky., Nev., N. Y., Maine, Okla., Wis.
Transfer to federal hospital.....	2	Ky., Wash.
<b>Incompetent veterans:</b>		
Guardian appointment.....	19	Conn., Del., Fla., Idaho, Ill., Mass., Mich., Minn., Mo., N. Mex., N. J., Oreg., Pa., R. I., S. Dak., Tex., Va., Wash., Wis.
Uniform Guardianship Act.....	37	All except Conn., Del., Ill., Mass., Minn., Tex., N. Mex., Oreg., Pa., Va., Wis.
<b>Land-settlement benefits:</b>		
Home and land loans.....	4	Ariz., Calif., Minn., Miss.
Preferences.....	13	Ariz., Calif., Colo., Idaho, Kans., Maine, Nev., N. C., Oreg., S. Dak., Tenn., Wash., Wyo.
<b>Medals to veterans of—</b>		
At cost.....	1	Pa.
China Expedition.....	1	Conn.
Civil War.....	2	N. J., Ohio.
Mexican War.....	4	Ga., Mo., N. J., Ohio.
Philippine Insurrection.....	2	Conn., Mass.
Spanish War.....	7	Conn., Md., Mass., Mo., N. H., N. J., Ohio.
With National Guard.....	3	Calif., R. I., Tenn.
World War I.....	8	Del., Fla., Ga., Md., Mo., N. J., N. Y., Ohio.

*Chart résumé of State laws granting rights, benefits, and privileges to veterans, their dependents, and their organizations—Continued*

Types of laws	No.	States where in existence
<b>Official papers of veterans:</b>		
A. G. O. records to Legion.....	2	Colo., Ind.
<b>Discharge certificates:</b>		
Copies of, free.....	5	Ariz., Calif., Mass., Okla., Utah.
Fee of 25 cents.....	1	Maine
Fee of 50 cents.....	4	N. J., N. C., S. C., Va.
Fee of \$1.....	1	N. Y.
Recording of, free.....	27	Ala., Ariz., Calif., Fla., Idaho, Ill., Iowa, Ind., Kans., Ky., Mich., Miss., Mont., Nebr., Nev., N. J., N. Mex., N. Y., Okla., Oreg., Pa., R. I., Tenn., Tex., Utah, Wash., Wis.
Fee of 15 cents.....	1	S. Dak.
Fee of 25 cents.....	9	Del., Ga., La., Maine, Mass., Minn., N. C., Ohio, S. C.
Fee of 35 cents.....	1	Va.
Fee of \$1.....	1	Md.
<b>Notary service by certain public officials to veterans</b>		
Free.....	19	Ala., Ariz., Calif., Fla., Idaho, Ind., Kans., Ky., La., Md., Miss., Mo., Nev., N. J., N. Mex., Ohio, Oreg., Pa., Tex.
Fee of 15 cents.....	1	Mich.
<b>Probate records</b> .....	1	Conn.
<b>Public records on veterans' claims, copies free</b>	25	Ariz., Del., Iowa, Kans., Md., Mich., Mass., Mo., Nebr., N. Mex., N. C., N. J., Ohio, Okla., Oreg., Pa., R. I., S. Dak., Tenn., Tex., Utah, Va., Wash., W. Va., Wyo.
Fee of 25 cents.....	1	Maine.
<b>Records of incompetent veterans, free copies.</b>	42	All except Conn., Del., Mass., Mich., Minn., Mo.
<b>Safekeeping of</b> .....	7	Ark., Del., N. Y., Pa., Wash., Wis., Wyo.
<b>Patriotic holidays:</b>		
Armistice Day, Nov. 11.....	47	All except D. C., Mich. (now national holiday).
Columbus Day, Oct. 12.....	40	All except D. C., Iowa, Maine, Miss., N. C., S. C., S. Dak., Tenn., Wyo.
General Pulaski Memorial Day, Oct. 11.	19	Ark., Calif., Del., Ill., Ind., Ky., Md., Mass., Minn., Nebr., Nev., N. H., N. J., Ohio, Pa., S. C., Tenn., Tex., W. Va.
Independence Day, July 4.....	49	All States, including D. C.
Lincoln's Birthday, Feb. 12.....	26	Calif., Colo., Conn., Del., Ill., Iowa, Kans., Ky., Mich., Minn., Mo., Mont., Nebr., Nev., N. J., N. Y., N. Dak., Ohio, Oreg., Pa., S. Dak., Tenn., Utah, Wash., W. Va., Wyo.
Memorial Day, May 30.....	40	All except Ala., Ark., Fla., Ga., La., Miss., S. C., Tenn., Tex.
Washington's Birthday, Feb. 22.	49	All States, including D. C.
Davis' Birthday, June 3.....	9	Ala., Ark., Fla., Ga., Ky., Miss., S. C., Tex., Va.
Flag Day, June 14.....	4	Conn., Ind., Ky., Pa.

*Chart résumé of State law granting rights, benefits, and privileges to veterans, their dependents, and their organizations—Continued*

Types of laws	No.	States where in existence
<b>Patriotic holidays—Continued</b>		
Jefferson's Birthday, Apr. 13....	3	Ala., Mo., Okla.
Lee's Birthday, Jan. 19.....	11	Ala., Ark., Fla., Ga., Ky., Miss., N. C., S. C., Tenn., Tex., Va.
Miscellaneous days.....	20	Ariz., Calif., Colo., Del., D. C., Idaho, Ky., La., Maine, Mass., Mo., Nev., N. C., Okla., Tenn., Tex., Utah, Vt., W. Va., Wis.
<b>Pensions to—</b>		
Blind veterans.....	3	Conn., N. J., N. Y.
Their widows.....	1	N. Y.
Civil War veterans.....	15	Ala., Ark., Fla., Ga., Ky., La., Maine, Miss., Mo., N. C., Okla., S. C., Tenn., Tex., Va.
Their widows.....	7	Ark., Fla., Ga., Ky., Miss., N. C., S. C.
Indian War veterans.....	2	Iowa, Minn.
Spanish War veterans.....	1	Maine.
<b>Power to maintain halls for veterans</b>		
By States.....	3	Ind., Okla., Va.
By counties.....	11	Calif., Ill., Ind., Iowa, N. J., N. Dak., Ohio, Okla., Oreg., Pa., Wis.
In courthouse.....	3	N. Dak., Okla., Oreg.
By cities.....	11	Calif., Ind., Iowa, Mass., Miss., N. H., N. J., N. Y., Oreg., Pa., Vt.
By lease.....	5	Calif., Ill., Mich., N. J., N. Y.
In armories.....	17	Ala., Colo., Conn., Ky., Mass., Mich., Mo., N. H., N. J., N. Y., Ohio, Oreg., R. I., Utah, Va., Wash., Wis.
In memorial buildings.....	12	Ark., Calif., Colo., Ill., Ind., Iowa, Kans., Miss., N. Dak., Ohio, Oreg., Pa.
<b>Preservation of war relics, etc.</b>	18	Conn., Ga., Idaho, Ind., Kans., Mass., Mich., Minn., Mont., Nebr., N. Y., Pa., S. C., S. Dak., Tenn., Va., Vt., W. Va.
<b>Registration of veterans' graves:</b>		
By States.....	16	Colo., Conn., Ill., Ind., Iowa, La., Maine, Md., Mass., Minn., N. J., N. Y., N. Dak., Ohio, Vt., Wis.
By counties.....	2	N. Mex., Pa.
For wives and widows.....	1	Mass.
<b>Relief of indigent veterans—</b>		
By State.....	23	Ariz., Conn., Idaho, Ill., Iowa, Kans., Maine, Md., Mass., Minn., Mont., Nebr., N. H., N. J., N. Mex., N. Y., Okla., Oreg., Pa., R. I., Tex., Vt., Wis.
Through any veterans' organization.....	2	Nebr., N. Y.
Through Legion.....	4	Ariz., Conn., Mich., Okla.
Through U. S. W. V.....	1	Del.
To dependents.....	1	Conn.
For Civil War veterans' widows.....	1	S. Dak.
By cities.....	4	Calif., Mass., Minn., Wis.

*Chart résumé of State laws granting rights, benefits, and privileges to veterans, their dependents, and their organizations—Continued*

Types of laws	No.	States where in existence
<b>Relief of indigent veterans—Con.</b>		
By counties:		
All veterans.....	10	Calif., Ill., Iowa, Mich., Nebr., N. Y., Ohio, Oreg., Wash., Wis.
Through any veterans' organization.....	3	Calif., Ill., Wash.
Veterans of Civil War.....	6	Ala., Conn., Ga., S. Dak., Utah, Wash.
Veterans of Spanish War.....	3	Conn., S. Dak., Utah.
<b>Rehabilitation Service:</b>		
Adjutant General's service.....	9	Ala., Del., Fla., N. J., N. Dak., Oreg., Pa., S. Dak., Tenn.
Appropriations to—		
D. A. V.....	6	Ill., Ind., Mich., Minn., Ohio, Wash.
Legion.....	3	Ill., Mich., Ohio.
V. F. W.....	5	Ill., Ind., La., Mich., Ohio.
County service officers.....	3	Calif., N. Y., Wis.
State service commissions.....	13	Ala., Ark., La., Md., Minn., Miss., N. Mex., N. Dak., Pa., Ohio, R. I., Va., Wis.
State service officers.....	21	Ariz., Ark., Calif., Fla., Ga., Ill., Ky., La., Md., Mo., Nev., N. H., N. C., N. Dak., Okla., Pa., S. C., S. Dak., Tex., W. Va.
Soldiers' home secretary.....	1	R. I.
<b>Rights of Active Service Men:</b>		
Use old car license.....	1	Ind.
Exempt from State income tax.....	1	Ind.
<b>Rights of veteran organizations:</b>		
Club liquor license.....	1	Pa.
Gifts to, tax exempt.....	2	Minn., Oreg.
Gold Star records.....	1	Miss.
Notarial powers.....	2	Del., Miss.
Parade privileges.....	7	Idaho, Maine, Mass., N. Y., N. Dak., Ohio, R. I.
<b>Protection of—</b>		
Insignia, etc.....	42	All except Ark., Ga., La., Mont., Okla., Wash.
Name.....	2	Fla., Tex.
Poppy sales, etc.....	5	Ark., N. J., N. Y., Pa., S. C.
Reduced transportation for 3 State officers.....	1	Nev.
To buy, own, sell property.....	1	Ill.
To form welfare associations.....	1	Ind.
To incorporate.....	15	Ariz., Conn., Idaho, Ind., Maine, Mass., Mich., Minn., Nebr., Nev., N. Y., Pa., Tenn., Wis., Wyo.
To lease land for veteran homes.....	2	Ill., Minn.
To maintain burial grounds.....	3	Colo., Mich., Ohio.
To withdraw funds, closed banks.....	1	N. J.
<b>Special employment service.....</b>	8	Colo., Ind., Iowa, Minn., Mont., N. J., N. Mex., N. C.

*Chart résumé of State laws granting rights, benefits, and privileges to veterans, their dependents, and their organizations—Continued*

Types of laws	No	States where in existence
State aid for education of—		
Children of veterans killed in action or deceased as result of war service from \$100 to \$300 per year.	34	Ala., Ariz., Ark., Calif., Conn., Del., Fla., Ga., Ill., Iowa, Ky., La., Maine, Md., Mass., Mich., Minn., Mont., N. H., N. J., N. Y., N. Mex., N. C., N. Dak., Pa., R. I., S. C., Tenn., Utah, Vt., Va., Wash., W. Va., Wis.
Free tuition	20	Ala., Ariz., Fla., Ga., Ind., Idaho, Ky., Maine, Mich., Minn., N. H., N. Mex., N. C., N. Dak., S. C., Tenn., Vt., Va., Wash., W. Va.
Scholarships for	5	Conn., Ill., Kv., N. Y., Pa.
Blind veterans	3	Conn., N. J., N. Y.
Disabled veterans		
Admission to practice without State examination:		
Accountancy	3	Fla., N. J., N. Y.
Architecture	3	Ga., N. J., N. Y.
Attorneys	5	Mich., Minn., N. J., N. Y., N. C.
Dentistry	2	N. Y., Pa.
Nursing	2	N. J., N. Y.
Pharmacy	3	N. C., N. Y., Pa.
Plumbing inspection	1	Mass.
Teaching	3	Ind., N. Y., Tenn.
By "bonus"	2	N. Dak., Wis.
By loans	1	Colo.
Free tuition in colleges	7	Ark., Iowa, Mass., Ohio, S. C., S. Dak., Tex.
Purchase of lawbooks	1	N. J.
Scholarships	3	Ill., Ky., N. Y.
State aid	5	Calif., Iowa, Mont., N. Y., Pa.
State capitol rooms for—		
D. A. V.	4	Mass., Nev., Ohio, Va.
G. A. R.	7	Calif., Idaho, Kans., Mass., Mich., Minn., Nev.
Legion	6	Ark., Mass., Minn., Nev., N. H., Va.
U. S. W. V.	3	Mass., Mich., Nev.
V. F. W.	5	Mass., Nev., N. Dak., N. Y., Va.
State exemptions for veterans		
Attachments as to compensation, etc.	21	Calif., Colo., Conn., Ga., Ill., Iowa, Kans., Ky., La., Maine, Mich., Nebr., N. H., N. Y., Okla., Oreg., S. C., Tenn., Va., Wash., Wis.
Certain occupational taxes	15	Ala., Ark., Miss., Fla., Ga., Kans., Maine, Mass., Nev., N. J., N. C., Ohio, Okla., R. I., Tenn.
As to widows	1	Mass.
County auto fee	4	Ariz., Calif., N. Mex., Wyo.
Fees for will probation	1	N. Mex.
From juries, disabled veterans	1	Mont.
In service 9 months	1	Pa.
From National Guard	2	Iowa, Kans.
Income tax on compensation, etc.	11	Ala., Ky., Miss., Mont., N. Mex., Okla., S. Dak., Utah, Va., W. Va., Wis.
Inheritance tax as to insurance, compensation, etc.	8	Calif., Conn., Mont., N. J., N. C., Okla., Tenn., Wash.
Old-age tax, disabled veterans	1	Conn.



*Chart résumé of State laws granting rights, benefits, and privileges to veterans, their dependents, and their organizations—Continued*

Types of laws	No.	States where in existence
State exemptions for veterans—Con.		
Papers of veterans exempt from innkeepers' lien.	1	Wis.
Peddler's licenses	20	Ark., Calif., Conn., Del., Fla., Ga., Ind., Kans., Mich., Minn., Nev., N. H., N. J., N. Y., Ohio, Okla., Pa., R. I., Tenn., Wis.
Civil War veterans only	5	Ala., La., N. C., S. C., Wash.
Court House newsstands	1	Iowa.
Disabled veterans only	1	Wis.
Personal property, limited	3	Maine, N. Mex., Okla.
Poll tax	11	Ala., Calif., Conn., Idaho, Kans., Ky., N. H., N. J., N. Mex., R. I., Wyo.
Certain ones only	14	Ga., Ind., Iowa, Ky., Maine, Mass., Mont., Nebr., N. C., S. C., Tex., Vt., Va., W. Va.
Property tax, limited	11	Ariz., Calif., Conn., Mass., Nev., N. H., N. J., N. Y., Okla., R. I., Wyo.
Certain veterans only	12	Ala., Fla., Idaho, Ind., Iowa, Maine, Mich., Mont., N. C., Oreg., Utah, Vt.
Blind veterans, \$1,000	1	Ind.
As to property purchased with compensation, etc	6	Iowa, Minn., Nebr., N. Y., N. C., S. C.
Renewal of professional licenses after discharge	1	Ind.
Rights of veterans		
Absentee voting, inmates of homes or hospitals	5	Kans., Maine, Mo., N. Y., Ohio
Exploitation of uniforms penalized	2	Md., Mass.
Railroad may provide free transportation to veterans	4	Ariz., Minn., Miss., Tex.
Roll of honor for deceased veterans	2	Mass., Ohio.
Special hunting and fishing licenses	10	Ala., Calif., Fla., Idaho, Ind., Maine, N. H., Ohio, Oreg., S. C.
Special paroles	1	Iowa
To and back from home	5	Mich., Minn., Tex., Wash., Wis.
Uniforms may be worn	12	Iowa, La., Mich., Miss., Nev., N. Mex., N. C., N. Dak., Oreg., R. I., Tenn., Va.
War service credited in National Guard	10	Ark., Calif., Conn., Del., Fla., Ga., Mo., N. Y., Pa., R. I.
Sales tax on purchases at veterans' hospitals.	1	La.
Wages, as to pre-war debt	1	N. J.
State printing of annual reports for—		
G. A. R.	10	Calif., Mass., Mich., Nebr., N. H., N. Y., Oreg., Pa., R. I., Utah
U. S. W. V.	10	Calif., Mass., Mich., Nebr., N. J., N. Y., Oreg., Pa., S. Dak., Wis.
V. F. W.	7	Calif., Mass., Nebr., N. J., N. Y., Pa., Wis.
Legion	4	Mass., N. Y., Pa., Wis.
D. A. V.	5	Calif., Mass., N. Y., Pa., Wis.
Jewish War Veterans	2	Mass., N. Y.

## PART XIII

### OUTLINE OF BENEFITS

An excellent summary of benefits available for servicemen, ex-servicemen, and their dependents, is contained in the extension of remarks of Hon. John Lesinski, of Michigan, in the House of Representatives, Friday, June 23, 1944. This statement is set forth below:

**Mr. LESINSKI.** Mr. Speaker, several times has it pointedly come to my attention that benefits intended by Congress for servicemen, ex-servicemen, and their dependents are frequently not received by them mostly because of the failure of the potential beneficiaries to apply for such benefits.

Reading the technical language of all of the many laws pertaining to those serving actively in our Nation's armed forces, or to those who have so served, and to their dependents, would be very confusing. As chairman of the Committee on Invalid Pensions, the oldest committee in Congress having jurisdiction over legislation affecting veterans and their dependents, I have been intensely interested in such legislation for many years. Nevertheless, it is very difficult for me to coordinate all such legislation in my mind. Not all of such laws are applicable to all of such persons; in fact, most of them are applicable only to certain groups, under certain conditions.

How to bring order out of this chaos so that those in each such group might be put on notice as to the rights, privileges, preferences, and benefits to which they might be eligible, without requiring them to read too much about other benefits to which they could never be entitled, has been very baffling.

The key to the solution of this maze of material has, I believe, recently been fashioned by my good friend, Millard W. Rice, the national service director for the Disabled American Veterans, now the dean among the national legislative representatives of the several major veteran organizations and undoubtedly the best informed, among all the representatives of veterans' organizations, as to veterans' affairs and veterans' benefits.

Mr. Rice has compiled a brief outline as to all such benefits, a scanning of which will speedily inform any serviceman, veteran, or his dependent as to what governmental benefits, if any, he or she might be entitled to under the circumstances indicated.

Those who read such outline should be cautioned that more detailed information concerning each such point can be obtained from the Veterans' Administration, or other governmental agencies concerned with the application of the particular laws indicated.

Active servicemen, discharged veterans, and the dependents of veterans have the privilege of requesting needed advice and assistance from the service officers of the several congressionally chartered service organizations. The Disabled American Veterans—referred to as the D. A. V.—which is composed exclusively of American citizens who have been either wounded, gassed, injured, or disabled while serving honorably in the armed forces of the United States, or of some country allied with it, during time of war, the American Legion, composed of honorably discharged veterans of World War No. 1 and World War No. 2; the Veterans of Foreign Wars—referred to as the V. F. W.—composed solely of America's campaign-badge war, campaign, and expedition veterans; and the American Red Cross. Most applicants would be wise to take advantage of the technical knowledge and experience of the service officers of such organizations.

Mr. Rice assures me that the outline prepared by him has been carefully checked by members of his staff and by the office of the legislative counsel of the Veterans' Administration to make sure of its accuracy.

I here insert the outline prepared by Mr. Rice, as follows:

### "OUTLINE OF BENEFITS FOR SERVICEMEN, EX-SERVICEMEN, AND THEIR DEPENDENTS

#### "I. BENEFITS FOR PERSONS SERVING IN ARMED FORCES

"1. Base pay for enlisted personnel, beginning with privates or apprentice seamen, and up through seven grades to master sergeant or chief petty officer, is from \$50 to \$138 per month. Base pay for commissioned personnel begins with \$150 per month for second lieutenants or ensigns. All base pay of enlisted men is increased by 20 percent and of all officers by 10 percent while on sea duty or serving outside the continental United States or in Alaska. Active flying duty including flights in gliders, or active submarine duty increases the base pay by 50 percent, and active parachutist duty by \$100 per month for officers and \$50 per month for enlisted men. Increased compensation of \$5 or \$10 per month is provided for enlisted men of the combat ground forces of the Army entitled to wear the expert infantryman badge or the combat infantryman badge. Certain other pay increases are provided for special skilled or dangerous types of service. Longevity pay is provided by adding 5 percent to the base pay for each 3 years of active or Reserve service, up to 30 years.

"2. Allowances, in varying amounts, for clothing, subsistence, and quarters made to officers and, under certain conditions, to enlisted men, and mustering-out payments upon their discharge from service are not subject to income tax.

"3. During World War No. 2, after June 1, 1942, the dependents of any enlisted individual, male or female, with certain exceptions, of the first to seventh grades, upon a written application therefor by the service member or by or on behalf of a dependent in class A, class B, or class B-1 will be granted a monthly family allowance. The monthly allowance for a wife alone is \$50; for a child alone, \$42; for one parent alone, \$50; and for a brother or sister alone, \$11. Additional amounts are payable for additional dependents. The monthly pay of the service member will be charged with the amount of \$22 per month and an additional amount of \$5 per month if the allowance is payable to more than one class of dependents. Class A includes a wife, child, or former wife divorced; class B includes a parent, brother, or sister dependent upon the enlisted man for a substantial portion of his or her support. Class B-1 includes a parent, brother, or sister dependent upon the enlisted man for the chief portion of his or her support. In the event of death during active service the next of kin is entitled to a gratuity equal to the monthly pay of the deceased for a period of 6 months.

"4. National service life insurance, obtainable without examination during first 120 days of active service, or before August 11, 1943, whichever date is later, and thereafter if found by the Veterans' Administration to be a good insurance risk (with privilege of conversion after 1 year; mandatory conversion before end of fifth-policy year), in multiples of \$500, from \$1,000 to \$10,000, for those in active service since October 8, 1940, maturable only by death of the insured, with proviso that premiums may be waived during continuous total disability, which commenced after he was insured, and before he became 60 years of age, and which has continued for 6 consecutive months.

"5. Certain protection for those in active military or naval service of the United States, and to American citizens, under certain conditions, in the active service of some country allied with it during time of war with reference to private life insurance and property rights, and personal indebtedness, when ability to meet obligations is impaired by such service, through judicial process, under Soldiers' and Sailors' Civil Relief Act of 1940, as amended. (All matters affecting real or personal property rights should be referred promptly to competent local attorneys for assistance and advice.)

"6. Naturalization as an American citizen by the easy petition method as to any alien while serving in the armed forces, as well as for certain war veterans.

"7. Mustering-out payments for members of the armed forces, with certain exceptions, discharged or relieved from active service under honorable conditions on or after December 7, 1941, in the amount of \$100 for those who served less than 60 days, \$200 for those who served 60 days or more, no part of such service being outside the continental limits of the United States or in Alaska, and \$300 for those having performed active service of 60 days or more who served outside the continental limits of the United States or in Alaska.

#### "II. MONETARY BENEFITS TO VETERANS

"1. Compensation or pension for disabilities proven to have been incurred in, or aggravated by reason of, active service in the armed forces of the United States, ranging from \$6 to \$300 per month, depending on the nature, degree, and per-

manency of disability, and the time of its incurrence, which includes the 15-percent increase effective June 1, 1944, in the monthly rates for World War No. 1 and World War No. 2 veterans, and persons who served on or after September 16, 1940, where the disability was incurred under extra-hazardous conditions, and statutory awards ranging from \$18.75 to \$300 per month for certain disabilities, but, if single and without dependents, not more than \$20 per month while being furnished hospital treatment or domiciliary care by any governmental agency.

"2. Retirement benefits at three-fourths of base pay for certain Regular officers with permanent handicapping disabilities, or after a certain period for certain types of service, or/and the attainment of certain ages, and for certain emergency provisional, probationary, and temporary officers with permanent disabilities of requisite degree, clearly shown to have been acquired in active service, in fact, in line of duty.

"3. Pensions on the basis of age, degree of inability to earn a living, and/or length of service for—

"(1) Civil War veterans, in the amount of \$75 per month or \$100 if in need of a regular attendant, and for Indian wars veterans, in amounts ranging from \$20 to \$60 per month, or \$100, if in need of an attendant, but not in excess of \$50 as to those in a United States, National, or State soldiers' home on July 13, 1943, and only \$20 while being furnished hospital treatment or domiciliary care by the Veterans' Administration if the veteran has no dependents. As to those admitted to such home after July 13, 1943, the amount payable is subject to the \$20 limitation.

"(2) Veterans of the Spanish-American War, Philippine Insurrection, and Boxer Rebellion, in amounts ranging from \$12 to \$75 per month, plus varying amounts if in need of a regular attendant, with total not to exceed \$100, but not more than \$50 monthly as to those in a United States National or State soldiers' home on July 13, 1943, and only \$20 while being furnished hospital treatment or domiciliary care by a Government agency, if the veteran has no dependents. As to those admitted to such homes after July 13, 1943, the amount payable is subject to the \$20 limitation.

"4. Pension of \$50 per month for veterans of the Spanish-American War, Philippine Insurrection, Boxer Rebellion, World War No. 1, or World War No. 2, with 90 days or more of service and a discharge under conditions other than dishonorable or, if less than 90 days, if discharged for disability incurred in line of duty, who suffer with permanent total disability, regardless of service connection, if not due to misconduct. This rate is increased to \$60 per month if rated permanent and total and in receipt of pension for a continuous period of 10 years, or when the veteran, suffering from permanent and total disability attains the age of 65 years. (Only \$8 per month is paid to men, without dependents, while being furnished hospital treatment or domiciliary care by a governmental agency.)

"5. Enlisted men of the Regular Army, or of the Philippine Scouts, who have served 20 years or more and who have become permanently incapacitated for active service due to physical disability incurred in line of duty, may be retired at 75 percent of the average monthly pay received for 6 months prior to retirement. This retirement pay or so much thereof as would equal the amount of pension or compensation to which such person may be entitled, may be waived for the purpose of receiving pension or compensation.

"6. Enlisted men in the Regular Navy whose service began after July 1, 1925, may, after 20 years' service be transferred to the Fleet Reserve at one-half base pay received at time of transfer, and, after the completion of 30 years of service, are transferred to the retired list with 75 percent of the pay of their rank at date of retirement, plus all permanent additions thereto. If their service commenced on or prior to July 1, 1925, they may be transferred to the Fleet Reserve upon completion of at least 16 years' service, with one-third of base pay, and after 20 years of service or more, one-half the base pay received at time of transfer, plus all permanent additions. This pay is increased by 10 percent for all men credited with extraordinary heroism in line of duty, or whose average marks in conduct for 20 years or more, shall be not less than 95 percent of the maximum. After 30 years of service they are transferred to the retired list of the Regular Navy with 75 percent of the pay of their rank at date of retirement, plus all permanent additions.

"7. Enlisted men of the Army, Navy, or Marine Corps, after 30 years of service, are entitled to retirement with monthly pay at 75 percent of their last base pay. Members of the Army Nurse Corps and the Navy Nurse Corps may be retired after 30 years' service, or at the age of 50 years after 20 years' service. Temporary commissioned rank has been provided for members of the Army

Nurse Corps and female dietetic personnel of the Medical Department of the Army with adjustment in their retirement pay on the basis of such commissioned service.

"8. Statutory award of \$10 per month is payable to all medal of honor men, age 65 years or more.

"9. All monetary benefits from the Veterans' Administration are exempt from taxation, or claims of private creditors, or the United States except as to the indebted beneficiary, or overpayments or illegal payments by the Veterans' Administration, and are not liable to attachment, levy, or seizure by or under any legal or equitable process either before or after receipt by the beneficiary.

"10. Adjusted-service credit up to \$50, payable in cash, or, if more, an adjusted-service certificate based upon adjusted-service credit, for active World War No. 1 service in excess of 60 days, computed at the rate of \$1 per day for domestic service, and \$1.25 per day for overseas service, with maximum limitations, exchangeable for United States bonds bearing interest at 3 percent, redeemable at any time. In the event any allowance in the nature of adjusted compensation is hereafter authorized for World War No. 2 veterans, any benefits received by or paid for any such veteran under the so-called G. I. bill of rights will be deducted from such adjusted compensation.

"11. Government life-insurance policies, as to death or total or permanent total disability in multiples of \$500 up to \$10,000 for insurable veterans of (1) World War No. 1 or World War No. 2, of peacetime servicemen who applied therefor prior to October 8, 1940, with lien loans permissible up to 94 percent of reserve value, at interest of 5 percent per annum.

"12. Incompetent and minor beneficiaries generally receive their monetary benefits, if any, through guardians, whose accountings are periodically inspected by regional attorneys of the Veterans' Administration. However, recent legislation permits payment to the wife of an incompetent veteran having no guardian and of death benefits to a minor widow for herself and child or children.

### "III. MEDICAL TREATMENT AND DOMICILIARY CARE

"1. Hospital treatment, or out-patient medical or dental treatment, including necessary medicines and prosthetic appliances, with institutional training in the use of such appliances may be furnished certain persons medically determined to be in need thereof, for service-connected disabilities. Out-patient treatment may also be authorized for any non-service-connected condition, which is associated with and aggravating a service-connected disability, as adjunct treatment.

"2. Hospital treatment or domiciliary care for non-service-connected disabilities under certain conditions may be furnished, when needed, for any war veteran not dishonorably discharged, or for any peacetime veteran discharged from service for disability incurred in line of duty or who is in receipt of pension for service-connected disability.

"3. Transportation to, and back from, Veterans' Administration facilities, when authorized in advance, for examination, medical treatment, hospitalization, or domiciliary care.

"4. Clothing may be furnished at Government expense to beneficiaries receiving hospital treatment or domiciliary care in Veterans' Administration facilities, when necessary for protection of health or for sanitary reasons and when such beneficiaries are without means and receiving less than \$10 per month for their own personal use. Toilet articles, barber service, tobacco, etc., are furnished beneficiaries receiving hospitalization or domiciliary care in Veterans' Administration facilities, whose total income is less than \$6 per month.

### "IV. MISCELLANEOUS BENEFITS FOR VETERANS

"1. Vocational rehabilitation, including placement in suitable gainful employment, furnished by the Veterans' Administration for service-connected disabled veterans of World War No. 2, including persons who served in active military or naval service on or after September 16, 1940, discharged under conditions other than dishonorable, who are feasible therefor and in need thereof to overcome a service-incurred handicap.

"2. Education or training, not to exceed 1 year, at any institution of the veteran's choice, for veterans of World War No. 2, including persons who served in active military or naval service on or after September 16, 1940, discharged under conditions other than dishonorable after 90 days' service or more or for disability incurred in service in line of duty, with not to exceed 3 additional years of education or training, depending upon length of service and other conditions, with sub-

sistence allowance while pursuing education or training of \$50 per month, or \$75 per month if the veteran has dependents. Tuition and all other fees and expenses not to exceed \$500 per school year, are paid by the Veterans' Administration.

"3. Guaranty by the Veterans' Administration of not to exceed 50 percent of a loan or loans the aggregate amount guaranteed not to exceed \$2,000 for the purchase or construction of homes, farms, and business property. Such loans may bear interest not to exceed 4 percent and are payable in 20 years. This benefit is available to World War No. 2 veterans and persons who served on or after September 16, 1940, the service requirements being the same as those for education or training.

"4. Readjustment allowances of \$20 per week for a period not to exceed 52 weeks for unemployed World War No. 2 veterans, including those persons who served on or after September 16, 1940, under the same service requirements as for education or training. Self-employed veterans earning less than \$100 per month are eligible for readjustment allowances representing the difference between their net earnings and \$100 per month.

"5. A seeing-eye or guide dog trained for the aid of blind veterans may be provided blind veterans entitled to disability compensation. Also there may be provided mechanical and electronic equipment to aid them in overcoming the handicap of blindness. Blind veterans, as well as other blind individuals, are allowed to deduct \$500 from adjusted gross income in determining net income under the Federal income tax law.

"6. Certain preferences as to Federal civil service, as to physical and age prerequisites, examinations, ratings, appointments, retentions, and reinstatement of Federal employment are extended to qualified service-connected disabled veterans, war and campaign service veterans and the unmarried widows of such war and campaign service veterans, supplemented by extensive United States Employment Service, and Veterans' Employment Service, in every State, for all unemployed veterans, and an effective job counseling, and employment placement service so as to provide the maximum of job opportunity, in the field of gainful employment. Any World War No. 2 veteran who applies therefor within 40 days after discharge, is entitled to reinstatement to the Federal position held at time of entering service, or to one of equal grade and pay, or to his previous private employment, where at all practicable for employer, enforceable by court order, if necessary.

"7. Credit for all active military or naval service for Federal civil-service retirement, with minor exceptions.

"8. Credit for all active war service for railroad-retirement purposes.

"9. Burial allowance, up to the amount of \$100, may be paid as to any war veteran, discharged under conditions other than dishonorable, or in receipt of pension or compensation, as to any veteran discharged from the armed forces for disability incurred in line of duty or in receipt of pension for service-connected disability.

"A United States flag to drape the casket, subsequently to be turned over to the next of kin, may be furnished as to any veteran whose death occurred after discharge from active service during any war or after serving at least one enlistment or by reason of disability incurred in line of duty. Burial in a national cemetery may be arranged as to any honorably discharged veteran or as to anyone who dies while in active service, with right of burial therein of his wife or widow, and under certain circumstances, as to his minor children or adult unmarried daughters. The expenses incident to transporting the body of one who has died while in active service, or of a veteran who has died in a Veterans' Administration facility, to the place of burial, are, within limitations, borne by the Government. Headstone or marker—stone or marble—will be furnished for the unmarked grave of any honorably discharged veteran or as to anyone who died while in the active service.

"10. Various benefits, rights, and privileges are also provided as to certain veterans, their dependents, and their organizations under State laws, as per the résumé thereof, recently published by the House Committee on Pensions, entitled 'State Veterans' Law.'

#### "V. MONETARY BENEFITS FOR DEPENDENTS

"1. Death compensation or pension, under varying conditions, to widows and minor children (also including helpless children), and dependent parents of those deceased veterans who die as the result of service-connected disabilities.

"2. Death compensation, in smaller amounts, under certain conditions, to widows and minor children (also including helpless children) of those deceased

veterans of World War No. 1 and World War No. 2, who, at time of death, had some service-connected disability of measurable degree, even though less than 1 percent.

"3. Death pensions, under certain conditions, to widows and minor children (also including helpless children) of deceased Civil War, Spanish-American War, Philippine Insurrection, Boxer Rebellion, and Indian war veterans.

#### "VI. BENEFITS FOR SERVICEWOMEN

"The Women's Army Auxiliary Corps which is no longer in existence, having been superseded by the Women's Army Corps, was an auxiliary component of the Army, and as such was not generally covered by laws administered by the Veterans' Administration, but its members are entitled to hospitalization and domiciliary care by the Veterans' Administration. Members of Women's Army Corps, the Women's Reserve of the Navy and Marine Corps and Women's Reserve of the Coast Guard, which are components of the Army, Navy, Marine Corps, and Coast Guard, on the basis of active duty, are eligible for veterans' benefits.

"As to rights to hospitalization, domiciliary care, and burial benefits, on a parity with war veterans, under laws administered by the Veterans' Administration, the term 'active military or naval service,' includes active duty as a member of the Women's Army Auxiliary Corps, Women's Reserve of the Navy and Marine Corps, and the Women's Reserve of the Coast Guard. Members of the Women's Army Corps, the Women's Reserve of the Navy and Marine Corps, and Women's Reserve of the Coast Guard are also eligible for these benefits as members of components of the Army, Navy, Marine Corps, and Coast Guard on the basis of active service in World War No. 2."

## PART XIV

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